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Victory! Federal Judge Rules Biden Administration Cannot Censor Americans on Social Media

State of Missouri, et al. v. Joseph R. Biden, Jr., et al.

Washington, DC (July 5, 2023) – Judge Terry A. Doughty of the U.S. District Court for the Western District of Louisiana [granted](#) a preliminary injunction prohibiting several federal agencies and specific White House officials from pressuring or coordinating with social media companies to suppress constitutionally-protected speech. The New Civil Liberties Alliance, a nonpartisan nonprofit civil liberties group, celebrates this major victory for its clients Drs. Jayanta Bhattacharya, Martin Kulldorff and Aaron Kheriaty and Jill Hines in the case of *Missouri, et al. v. Biden, et al.*

Three of NCLA’s clients are distinguished scientists who, because of state action, were blacklisted, shadow-banned, de-boosted, throttled, and censored on social media for merely articulating views opposed to government-approved views on Covid-19 restrictions and regulations. Jill Hines was a dissenter from mandatory vaccines and lockdowns who also had her media posts throttled. Their ordeal was part of a lawless and expansive campaign by federal officials across at least eleven agencies and sub-agencies who employed illicit tactics—including coercion, collusion and coordination—on social media companies to suppress the airing of disfavored perspectives. The agencies directed such companies to censor viewpoints that conflicted with federal government messaging on topics ranging from Covid-19 to elections.

Judge Doughty’s new order applies to agencies including the Department of Health and Human Services, State Department, Centers for Disease Control and Prevention, Cybersecurity and Infrastructure Agency, FBI and officials like White House Press Secretary Karine Jean-Pierre and Counsel to the President Stuart Delery. They are prohibited from threatening, pressuring, or coercing social media companies to suppress or remove posted content featuring protected speech.

In his timely July 4 [memorandum ruling](#) on a request for a preliminary injunction, Judge Doughty wrote, “Although this case is still relatively young, and at this stage the Court is only examining it in terms of Plaintiffs’ likelihood of success on the merits, the evidence produced thus far depicts an almost dystopian scenario. During the COVID-19 pandemic, a period perhaps best characterized by widespread doubt and uncertainty, the United States Government seems to have assumed a role similar to an Orwellian ‘Ministry of Truth.’”

In the measured order of injunction Judge Doughty did not prohibit the traditional government functions of informing media, social or otherwise, of criminal activity, or national security threats on their platforms, including illegal foreign efforts to suppress voting. In short, criminality can be challenged, not dissent.

Judge Doughty’s decision is the latest in a string of recent NCLA victories. On Friday, the U.S. Supreme Court ruled that the Biden Administration’s student loan debt cancellation plan was unlawful, and NCLA had filed an *amicus curiae* [brief](#) advocating for that outcome.

NCLA released the following statements:

“This Order rests squarely on the First Amendment’s protection of speech and the traditional wide-ranging views it allows to circulate in this country. Our clients were not saying or doing anything remotely unlawful. But because the Government disagreed with their views they were thrown out of the modern public square. That should not happen in America, and with this Order, it won’t.”

— **John Vecchione, Senior Litigation Council, NCLA**

“Judge Doughty’s ruling in the *Missouri v. Biden* case reinforces what the New Civil Liberties Alliance has been saying from the start of this case. The federal government has been deliberately censoring speech protected by the First Amendment. Its conduct has not merely threatened free speech; our government has actively suppressed free speech in an orchestrated, unprecedented and entirely unlawful manner. The Biden Administration’s outrageous assault on the Constitution and on the civil liberties of Americans must end. Judge Doughty’s preliminary injunction will help immensely.”

— **Mark Chenoweth, President and General Counsel, NCLA**

For more information visit the case page [here](#) or watch the case video [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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