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## **NCLA Urges Appeals Court Not to Stay Injunction Barring Government Social Media Censorship**

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

**Washington, DC (July 18, 2023)** – Federal government defendants in the case of *Missouri, et al., v. Biden, et al.* made a motion to stay a [preliminary injunction](#) that would prohibit specific federal agencies and White House officials from pressuring or coordinating with social media companies to suppress First Amendment-protected speech. The New Civil Liberties Alliance has co-filed a [brief](#) calling for the U.S. Court of Appeals for the Fifth Circuit to let stand U.S. District Judge Terry Doughty’s preliminary injunction during the pendency of the federal defendants’ appeal, thereby protecting Americans’ free-speech rights to participate in social media.

Federal officials have threatened, pressured, and colluded with social media platforms in a years-long campaign to suppress perspectives that contradict government-approved views on hotly disputed topics like mask mandate efficacy, Covid-19 vaccine concerns and the virus’s origins. The campaign has specifically targeted influential scientific figures like NCLA clients, Drs. Jayanta Bhattacharya, Martin Kulldorff and Aaron Kheriaty, as well as activist Jill Hines. All have been blacklisted, shadow-banned, de-boosted, throttled, and censored on social media.

The government has clearly violated the First Amendment rights of NCLA’s clients, seriously harming their ability to convey their views to the public. Their ordeals were a driving force in support of Judge Doughty’s preliminary injunction. Federal censorship also disrupts the states’ critical ability to hear their own citizens’ voices on significant political and social issues. Even after several months, federal government defendants in this case have failed to prove a single example in which the injunction would interfere with legitimate government speech.

In his Fourth of July [memorandum ruling](#) on request for 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.’”

### **NCLA released the following statements:**

“The injunction allows the Government to fulfill its legitimate functions while prohibiting routine and persistent interference with First Amendment rights to free speech. It should not be stayed while this case proceeds because the injury to our clients and the American people is far greater than the non-existent harms the Government posits from prohibiting it from silencing people.”

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

“Judge Doughty could not have been more careful in detailing exceptions to the preliminary injunction in order to protect valid government interests in curtailing unlawful speech. Nevertheless, the government cries wolf and claims otherwise. Apparently, what the government really wants is to continue shutting down protected speech.”

— **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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