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NCLA Seeks Injunction to Halt U.S. State Department-Funded Censorship of Domestic Speech & Press

The Daily Wire, The Federalist, State of Texas v. Department of State, et al.

Washington, DC (February 7, 2024) – The New Civil Liberties Alliance has filed a [motion](#) seeking a preliminary injunction from the U.S. District Court for Eastern District of Texas to stop one of the most egregious violations of free speech and free press rights in history. The U.S. State Department has funded the development, testing, and marketing of censorship technology used to suppress First Amendment-protected speech by disfavored media outlets including The Daily Wire and The Federalist based on their viewpoints. NCLA proudly represents these outlets in *The Daily Wire, The Federalist, State of Texas v. State Dept.* and now urges the Court to block this blatantly unlawful censorship regime before it can further abridge Americans’ civil liberties.

The State Department uses its Global Engagement Center (“GEC”) to finance the development and promotion of censorship technology and enterprises, including working with third parties like NewsGuard and the Global Disinformation Index, both of which blacklist domestic news organizations. These government-funded and government-promoted censorship technologies and enterprises target media outlets that oppose the government’s narrative, including The Daily Wire and The Federalist, seeking to suppress their views by depriving them of advertising. The blacklists seek to discredit and demonize American media outlets they brand “risky” or “unreliable,” aiming to redirect advertiser money and audiences to outlets that publish favored viewpoints.

The State Department’s censorship regime violates the First Amendment rights of The Daily Wire, The Federalist, numerous similar outlets, and their readers. NCLA’s clients are very likely to succeed in their First Amendment claims—when this practice was first disclosed in 2023 as to the State Department’s National Endowment for Democracy (NED), NED’s board immediately shuttered that unconstitutional program. So, an injunction will be found to serve the public interest to prevent ongoing and irreparable harm to the affected media outlets.

The State of Texas has joined NCLA in this lawsuit, recognizing that the State Department and its GEC lack authority to fund and market censorship technologies for use against domestic targets and that doing so interferes with its sovereign interest in enforcing Texas’ law requiring social media companies with market power to provide non-discriminatory services as a common carrier. A preliminary injunction would prevent the State Department’s unconstitutional acts from further irreparably harming The Daily Wire, The Federalist, and the State of Texas.

NCLA released the following statements:

“No arm of the federal government has any business participating in the suppression and blacklisting of domestic media based on its content and viewpoint. The State Department scheme infringes *all* Americans’ First Amendment rights. Permitting such tools of oppression would render the First Amendment meaningless.”

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

“The State Department may believe it is the arbiter of truth, but our Constitution says otherwise. While there is still much to uncover concerning efforts by our government to silence the speech of disfavored media members, an injunction barring the Defendants from continuing their unlawful censorship scheme will begin to restore our country’s first principles.”

— **Margot Cleveland, Of Counsel, NCLA**

“The State Department supposedly developed these speech-suppressing technologies to combat foreign propaganda overseas. That the federal government now sees fit to wield these weapons—or put them in others’ hands to wield—against American citizens and stateside media outlets is as frightening as it is forbidden.”

— **Mark Chenoweth, President and Chief Legal Officer, 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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