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NCLA Defeats Motion to Dismiss, Wins Expedited Discovery in Suit Alleging State Dept. Censorship

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

Washington, DC (May 7, 2024) – Today, the U.S. District Court for the Eastern District of Texas [denied](#) nearly all of the government’s motion to dismiss NCLA’s lawsuit, *The Daily Wire, The Federalist, Texas v. State Dept.*, which alleges massive violations of free speech and press rights. The Court also [granted](#) NCLA’s request for expedited discovery and rejected the government’s request to transfer venue to the U.S. District Court for the District of Columbia.

In ruling in favor of NCLA’s clients, *The Daily Wire* and *The Federalist*, the Court’s opinion quoted the First Amendment: “Congress shall make no law ... abridging the freedom of speech, or of the press[.]” As the Court stressed, this provision enshrines “[o]ur profound national commitment to the free exchange of ideas.” The U.S. State Department has funded the development, testing, and marketing of censorship technology used to suppress First Amendment-protected speech by media outlets whose viewpoint the government disfavors, including *The Daily Wire* and *The Federalist*. NCLA looks forward to revealing the true depth of this egregious censorship regime via expedited discovery, and to stopping the State Department from abridging 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 American 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*, suppressing their readership by demoting and labeling their stories as risky or unreliable, which deprives them of advertising.

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 at the State Department’s National Endowment for Democracy, NED’s board immediately shuttered that unconstitutional program. NCLA is also [pursuing](#) injunctive relief to halt this scheme which continues to irreparably harm the affected media outlets. Expedited discovery will enable our clients to win a preliminary injunction enjoining Defendants’ unconstitutional and *ultra vires* conduct.

The State of Texas has joined NCLA in bringing 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. A preliminary injunction should put a stop to this infringement on Texas’s sovereign interests.

NCLA released the following statements:

“The First Amendment forbids the State Department’s suppression of Americans’ rights to free speech and a free press. Federal law confines the State Department to foreign affairs, so it may not use taxpayer dollars to fund, promote, and deploy government tools and technology to blacklist disfavored domestic press. NCLA looks forward to expedited discovery on this unlawful weaponization of government resources and power.”

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

“The State Department and its Global Engagement Center lost sight of the Constitution’s foundational principles, executing a secretive censorship scheme that funded, tested, and promoted technologies that demonetize American media outlets and silence the speech of ordinary Americans. The expedited discovery ordered today will allow NCLA to bring to light the government’s unconstitutional conduct—and put a halt to it.”

— **Margot Cleveland, Of 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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