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NCLA Launches Lawsuit Against U.S. State Department-Funded Censorship Regime

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

Washington, DC (December 6, 2023) – The U.S. State Department funds the development, testing, and marketing of censorship technology used to suppress First Amendment-protected speech by conservative media outlets including The Daily Wire and The Federalist based on viewpoints expressed in their content. The New Civil Liberties Alliance has [filed](#) a lawsuit on behalf of these outlets in the U.S. District Court for the Eastern District of Texas to stop what appears to be one of the most egregious violations of the First Amendment’s guarantees of freedom of press and freedom of speech by the federal government in American history.

The State Department uses its Global Engagement Center (“GEC”) to finance the development and promotion of censorship technology and enterprises, including NewsGuard and the Global Disinformation Index. These government-funded and government-promoted censorship technologies and enterprises target many conservative media outlets, including The Daily Wire and The Federalist, seeking to defund and suppress conservative news. These organizations create blacklists to discredit and demonetize 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 scheme clearly violates the First Amendment rights of The Daily Wire, The Federalist, and numerous similar outlets. The State of Texas has joined NCLA in this lawsuit, recognizing that the State Department and its GEC lack authority to fund such censorship technologies and that doing so interferes in its sovereign interest in enforcing Texas’ law requiring social media companies with market power to provide non-discriminatory services as a common carrier.

NCLA is proud to represent The Daily Wire and The Federalist again, having won important victories with them in the past. In 2021, after a legal battle fought by NCLA, the National Labor Relations Board (NLRB) dropped its investigation of The Daily Wire on a meritless labor charge. In 2022, the U.S. Court of Appeals for the Third Circuit vacated a similar NLRB case against FDRLST Media, LLC, concluding 2 years of NCLA-led litigation. NCLA will fight the State Department’s censorship scheme alongside these news outlets for as long as it takes.

This case adds an important front in NCLA’s ongoing war against government censorship, which includes NCLA’s representation of individual plaintiffs in [Murthy v. Missouri](#)—a case now pending before the U.S. Supreme Court. That case has already [exposed](#) profound abuses, including the Biden White House’s admission of a “whole-of-government” censorship operation emanating from multiple agencies. NCLA’s fight against the government’s ongoing censorship-industrial complex also includes NCLA’s representation of the plaintiffs in [Dressen v. Flaherty](#)—a lawsuit challenging the federal government and Stanford Internet Observatory’s joint efforts to silence and suppress speech posted on social media, including in non-public online support groups of individuals suffering from Covid vaccine-related injuries. NCLA will hold these authorities fully accountable for violating Americans’ First Amendment rights.

NCLA released the following statements:

“George Orwell, call your office: The Disinformation Governance Board is back! Worse, it was here all along quietly operating out of the State Department through three presidential administrations with the admitted intent of cutting off advertising dollars and viewership from conservative media outlets. Your State Department—which may only address foreign affairs—has been secretly scheming with and funding private companies to create blacklists of conservative media outlets to defund and silence speech with which it disagrees.”

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

“The State Department’s use of tax dollars to fund the silencing of a segment of the American press is appalling—and terrifying. A free and open press is foundational to our constitutional Republic, which is precisely why the Bill of Rights guarantees freedom of speech and freedom of the press in the *First* Amendment.”

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

“The federal government cannot do indirectly what the First Amendment forbids it from doing directly. The chilling censorship machinations alleged in this complaint will frighten all liberty-loving Americans to the core.”

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

“The Biden administration is illegally funding organizations with the stated goal of financially crippling media outlets whose coverage does not walk in lockstep with the government’s ideological agenda. We sued the Biden administration before over its unconstitutional vaccine mandate, and we won. This time, we’re suing for our rights, all news organizations’ rights, and the constitutional guarantee of a free press that all Americans deserve.”

— **The Daily Wire**

“The government is engaged in an ongoing illegal effort—funded by our taxpayer dollars—to destroy our business and our First Amendment rights because of our politics. The days of conservatives sitting back and doing nothing while a corrupt censorship-industrial complex actively bulldozes the First Amendment are over. We will not stop until this entire corrupt edifice has been torn down, brick by brick, and every single person involved has been held accountable.”

— **Mollie Hemingway, Editor-in-Chief, The Federalist**

“Today is the beginning of the end of the federal government’s ongoing efforts to destroy our free speech rights. Every last person involved in the illegal conspiracy to use the power of government to trample our First Amendment rights better buckle up, because we are not going to stop until the entire censorship-industrial complex is on the ash heap of history.”

— **Sean Davis, CEO and Co-Founder, The Federalist**

“I am proud to lead the fight to save Americans’ precious constitutional rights from Joe Biden’s tyrannical federal government. The State Department’s mission to obliterate the First Amendment is completely un-American. This agency will not get away with their illegal campaign to silence citizens and publications they disagree with.”

— **Ken Paxton, Texas Attorney General**

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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