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NCLA Wins Further Discovery in Historic Suit Against Government’s Censorship Industrial Complex

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

Washington, DC (November 8, 2024) – Today, the U.S. District Court for the Western District of Louisiana [granted](#) the New Civil Liberties Alliance’s request for further jurisdictional discovery in the landmark *Missouri v. Biden* lawsuit against government-induced social media censorship. In June, the Supreme Court vacated the preliminary injunction in the case (called *Murthy v. Missouri* at that stage) that barred officials from the White House, CDC, FBI, Cybersecurity and Infrastructure Security Agency (CISA), and the Surgeon General’s office from coercing and significantly encouraging social media platforms to censor constitutionally protected speech. NCLA’s clients, two of whom are top epidemiologists, have been blacklisted, shadow-banned, de-boosted, throttled, and suspended on social media as part of a censorship campaign orchestrated by the White House and others in a “whole of government” effort.

The Supreme Court wrongly found NCLA clients Drs. Jayanta Bhattacharya, Martin Kulldorff, and Aaron Kheriaty, and Ms. Jill Hines lacked standing to support the injunction. However, with limited discovery at the preliminary injunction stage, we uncovered a vast operation censorship emanating from the highest levels of government, across at least a dozen agencies, and featuring well over a hundred government actors—and potentially many more that are currently unknown. Agencies and the White House directed social media companies to censor viewpoints that conflicted with federal government messaging on topics ranging from Covid-19 to elections.

The nature and significance of the Biden Administration’s illicit conduct probably would not have come to light in the absence of this lawsuit. Although the Supreme Court majority did not reach the merits of the case, Justices Alito, Thomas and Gorsuch addressed the substance of Plaintiffs’ claims and concluded that the government’s conduct violated the First Amendment. Now, NCLA’s clients will receive the discovery they need to establish standing under the Supreme Court’s standard, so they are likely to prevail on the merits of their claims.

NCLA released the following statement:

“Thankfully, the District Court isn’t allowing the government to get away with its unlawful censorship enterprise by carrying it out in secret. We welcome the opportunity to show that the government was and continues to be responsible for censorship of our clients.”

— **Jenin Younes, Litigation 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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