

THE EPOCH TIMES

PREMIUM BIG TECH, CENSORSHIP, AND SOCIALISM

Judge Delivers Major Blow to Biden Admin in Social Media Censorship Case



President Joe Biden speaks about the U.S. Supreme Court's decision overruling student debt forgiveness in the Roosevelt Room of the White House on June 30, 2023. (Jim Watson/AFP via Getty Images)

By [Tom Ozimek](#)

July 4, 2023 Updated: July 4, 2023

A⁺  Print

A federal judge has made a historic ruling by partially granting an injunction that blocks various Biden administration officials and government agencies like the Justice Department and the FBI from working with big tech firms to censor posts on social media.

The injunction came in response to a censorship-by-proxy lawsuit brought by attorneys general in Louisiana and Missouri, who have accused Biden administration officials and various government agencies of pressuring social media companies to suspend accounts or take down posts.

The judge, Terry A. Doughty, wrote in the July 4 judgment ([pdf](#)) that various government agencies, including the Cybersecurity and Infrastructure Agency (CISA), the Department of Homeland Security (DHS), the U.S. Department of State, the Department of Justice (DOJ), and the Centers for Disease Control and Prevention (CDC) are prohibited from taking a range of actions with regards to social media companies.

Specifically, the agencies and their staff members are prohibited from meeting or contacting by phone, email, text message or “engaging in any communication of any kind with social-media companies urging, encouraging, pressuring, or inducing in any manner for removal, deletion, suppression, or reduction of content containing protected free speech,” per the injunction.

The agencies are also barred from flagging content on posts on social media platforms and forwarding them to the companies with requests for action such as removing or otherwise suppressing their reach.

Encouraging or otherwise egging on social media companies to change their guidelines for the removal, suppression, or reduction of content that contains protected free speech by the government is also not allowed.

The judge, a Trump appointee, wrote in the ruling that the Republican attorneys general who sued the Biden administration “have produced evidence of a massive effort by Defendants, from the White House to federal agencies, to suppress speech based on its content.”

The judge wrote in an accompanying memorandum that the plaintiffs are “likely to succeed on the merits in establishing that the Government has used its power to silence the opposition.”

“Opposition to COVID-19 vaccines; opposition to COVID-19 masking and lockdowns; opposition to the lab-leak theory of COVID-19; opposition to the validity of the 2020 election; opposition to President Biden’s policies; statements that the Hunter Biden laptop story was true; and opposition to policies of the government officials in power. All were suppressed,” Doughty wrote.

While the judge’s ruling is not final, the preliminary injunction is a win for the Republican attorneys general who have accused the Biden administration of pressuring big tech companies to engage in censorship-by-proxy scheme.

‘We’re Not Done Yet’

Following the injunction, Missouri Attorney General Andrew Bailey hailed the decision in a series of posts on social media.

“The Court has granted our motion to BLOCK top officials in the federal government from violating the First Amendment rights of millions of Americans. What a way to celebrate Independence Day,” Bailey said in a statement on Twitter.

“The preliminary injunction prohibits nearly all of the federal government, including DHS, DOJ, and HHS, from coercing and colluding with social media companies to censor free speech,” Bailey added.

However, the judge made some exceptions in his order, allowing government officials to contact social media companies to alert them of criminal activity or threats to national security.

Also allowed are contacts notifying social media companies about posts intending to mislead voters about voting requirements or procedures as well as communicating with companies about suppressing posts that are not protected free speech.

The injunction pertains to various named agencies as well as their agents, officers, employees, and contractors.

The Epoch Times has contacted the White House and various agencies named in the injunction with a request for comment.

“We’re not done yet,” Bailey wrote in a post. “We’re just getting started.”

“Today, we won an historic injunction against the Biden Administration, preventing it from censoring the core political speech of ordinary Americans on social media,” Louisiana Attorney General Jeff Landry said in a statement.

“The evidence in our case is shocking and offensive with senior federal officials deciding that they could dictate what Americans can and cannot say on Facebook, Twitter, YouTube, and other platforms about COVID-19, elections, criticism of the government, and more.”

More Details

There are several lawsuits accusing the Biden administration of censorship-by-proxy by leaning on social media companies to suspend accounts or take down posts, the case brought by Louisiana and Missouri has advanced further than any other.

The judge overseeing the lawsuit refused to dismiss the case, finding in a March ruling ([pdf](#)) that Louisiana and Missouri’s free-speech claims were plausible and worthy of further litigation.

“This suit arises out of the alleged coercion by the Biden Administration and various government agencies and officials of social-media companies, urging those companies ‘to censor viewpoints and speakers disfavored by the Left,’” Doughty wrote in the March ruling.

The judge also permitted the plaintiffs to collect evidence, such as email communications between the White House and social media companies.

Doughty wrote in the March ruling that the plaintiffs allege that “this censorship was encouraged—perhaps even mandated—by the Biden Administration and several key governmental departments.”

Landry wrote in a recent op-ed for The Epoch Times: “Like a cancer, this violation of the First Amendment has seeded itself deep within our federal institutions, and these government actors neither believe what they did was wrong nor have any qualms about doing it again.”

Over 50 officials in the Biden administration across a dozen agencies were involved in efforts to pressure big tech companies to censor alleged misinformation, according to documents released last year.

Emails disclosed in court cases and through Freedom of Information Act requests have shown that U.S. officials pressured Facebook and Instagram to take action regarding social media posts.

One email showed that former White House digital director Rob Flaherty pushed Facebook to take action against “mis- and -disinformation” as well as “hesitancy-inducing content.”

“What we uncovered in our lawsuit Louisiana and Missouri v. Biden et al. was that the decision to vaporize you went all the way to the top—or as Biden’s director of digital media, Rob Flaherty, emphasized in an email to a major social media platform, it went all the way to ‘the highest (and I mean highest) levels of the White House,’” Landry wrote.

Flaherty, a central figure in the Biden administration’s efforts to shape social media narratives as part of a censorship-by-proxy effort, left the White House at the end of June.

On the same day as the court filing was made, President Joe Biden also announced that Flaherty would be leaving the White House but with no details about the timing and a hint that the two would work together again in some capacity in the future.

“His team has pioneered new methods of communication, and operated with unparalleled creativity, innovative spirit and a bias toward action,” the president said.

RELATED TOPICS

censorship