



House of Representatives
Judiciary
Committee
Chairman Jim Jordan



Missouri v. Biden Ruling: Prohibiting Government Censorship

Background: On May 5, 2022, the Attorneys General of Louisiana and Missouri filed a lawsuit in the U.S. District Court for the Western District of Louisiana, alleging that the federal government coerced, coordinated, and colluded with social media platforms to censor First Amendment protected speech online. Defendants included the Biden White House and nine other agencies, including the FBI and parts of DHS.

Court's Ruling: On July 4, 2023, the district court [granted](#) most of the plaintiffs' request for a preliminary injunction. The district court enjoined the government and specifically named federal officials, including White House officials, from communicating in any way with social media companies in order to achieve censorship of protected speech on their platforms, or using third party organizations to accomplish the same. The court's decision exempted security threats and other illegal activity.

- **A “massive attack” on the First Amendment:** The court observed that if the allegations plaintiffs presented are true, “the present case arguably involves the most massive attack against free speech in United States’ history.”
- **Government pressure for censorship:** Analyzing the actions of each agency separately, the court concluded that “the United States Government, through the White House and numerous federal agencies, pressured and encouraged social-media companies to suppress free speech,” nearly all of it articulating conservative points of view.
- **Government and tech companies were “pervasively entwined”:** As the court ultimately held, the Government “‘jointly participated’ with the social-media companies to such an extent that [they] have become ‘pervasively entwined’ in the private companies’ workings to such an extent as to blur the line between public and private action.”

Biden Administration’s Appeal: On July 14, 2023, the U.S. Court of Appeals for the Fifth Circuit granted the Biden Administration’s administrative stay, prohibiting the order of the district court from taking effect until the Fifth Circuit considered the appeal. The stay is merely procedural; it has no bearing on the merits of the case.

Congress’s Next Steps: The Judiciary Committee and the Select Subcommittee on Weaponization of the Federal Government continue to investigate government censorship via social media companies. This ruling directly relates to the [recent reports](#) that prove government coercion, and hearings with [FBI Director Christopher Wray](#) and [FTC Chair Lina Khan](#).