



## ***Missouri v. Biden Ruling: “Massive” Government Censorship***

**Background:** On May 5, 2022, the Attorneys General of Louisiana and Missouri filed suit in the U.S. District Court for the Western District of Louisiana, alleging 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 Ruling:** On July 4, 2023, the district court [granted](#) most of the plaintiffs’ request for a preliminary injunction, which enjoined the government and specifically named federal officials, including White House officials, from (1) communicating in any way with social media companies to censor or suppress protected speech on their platforms, or (2) using third party organizations to accomplish the same. The court’s decision exempted security threats and other illegal activity. Following are some of the key excerpts from the district court’s 155-page ruling.

- **A “massive attack” on free speech:** “If the allegations made by Plaintiffs are true, the present case arguably involves the most massive attack against free speech in United States’ history.” (p. 2)
- **Government coerced tech companies:** “The Plaintiffs are likely to succeed on the merits on their claim that the United States Government, through the White House and numerous federal agencies, pressured and encouraged social-media companies to suppress free speech.” (p. 93)
- **Conservatives specifically targeted:** “This seemingly unrelenting pressure by Defendants had the intended result of suppressing millions of protected free speech postings by American citizens” and “virtually all of the free speech suppressed was ‘conservative’ free speech.” (p.94)
- **Government was “pervasively entwined”:** “This Court finds [the Defendants] likely ‘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.” (p.117)
- **Broad categories of speech suppressed:** Categories have included “the COVID-19 pandemic and national elections, ...gas prices, parody speech, calling the President a liar, climate change, gender, and abortion.” (p. 143) The court found it “particularly troubling” that “the FBI. . . actually mislead social-media companies in regard to the Hunter Biden laptop story” and “[a]s a result, millions of U.S. citizen did not hear the story prior to the November 3, 2020 election.” (p.107)

**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 and 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](#).