



Written by [David Kelly](#) on August 2, 2023

State AG's Defend Federal Government's Ability to Communicate With Social-media Companies

A coalition of 21 state attorneys general filed an [amicus brief](#) on Friday in the U.S. Court of Appeals for the Fifth Circuit urging a judge to reverse a lower court decision that prohibited numerous federal agencies and high-ranking officials of the Biden administration from certain communications with social-media firms that clearly suppress free speech.

New York Attorney General Letitia James is heading up the Democrat multistate coalition to overturn U.S. District Court Judge Terry Doughty's July 4th [preliminary injunction](#) that stated the Biden administration had violated the First Amendment by suppressing the free speech of the plaintiffs of an ongoing [lawsuit](#) by assuming a "role similar to an Orwellian 'Ministry of Truth.'"

The Biden administration did quickly request a [stay](#) on the injunction, writing that the "Government faces irreparable harm with each day the injunction remains in effect." However, Judge Doughty denied the request, [citing](#) that the "plaintiffs are likely to prove" that the federal government "coerced, significantly encouraged, and/or jointly participated social-media companies to suppress social-media posts by American citizens that expressed opinions that were anti-COVID-19 vaccines, anti-COVID-19 lockdowns, posts that delegitimized or questioned the results of the 2020 election, and other content not subject to any exception to the First Amendment. These items are protected free speech and were seemingly censored because of the viewpoints they expressed. Viewpoint discrimination is subject to strict scrutiny."

In a [press release](#), "the coalition noted that the district court's order sets a dangerous precedent that undermines the ability of federal, state, and local governments to keep Americans safe and secure online."

"Social media holds great promise but also carries great risks, especially when people use it to harass, scam, and spread misinformation," said Attorney General James. "An open dialogue between government officials and social media companies is critical to keeping Americans safe. The recent decision will not only stifle open debate and the free exchange of ideas, it will make the internet a more dangerous place for everyone."

The attorneys general in the coalition are backing the Biden administration in their appeal of Doughty's ruling, writing in their [brief](#), "amici States, routinely engage with social-media companies on content moderation, including to exchange recommendations on best practices and to report specific content



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that violates the platforms' own terms and services."

The press release [stated](#) that the brief provided "examples of productive communication with social media platforms, including the Office of the New York Attorney General's (OAG) work to identify and report social media content from the Buffalo mass shooting and OAG's efforts with Amazon to stop sellers from price gouging supplies during the COVID-19 public health emergency. The brief also notes that social media companies have welcomed the input of state governments and federal agencies on topics critical to the public interest, such as protecting children from online harassment and preventing the spread of misinformation designed to undermine election security and integrity."

However, the routine interactions that the states and federal government have with social-media companies shouldn't lead to violating citizens' rights to free speech. As Judge Doughty's [ruling](#) last month pointed out, the Biden administration did collude with and/or "coerced social media companies to suppress disfavored speakers, viewpoints, and content on social media platforms by labeling the content 'disinformation,' 'misinformation,' and 'malinformation.'"

Judge Doughty wrote in his lengthy [opinion](#), "It is quite telling that each example or category of suppressed speech was conservative in nature. This targeted suppression of conservative ideas is a perfect example of viewpoint discrimination of political speech. American citizens have the right to engage in free debate about the significant issues affecting the country."

Apparently, the coalition of 21 Democrat attorneys general are taking a political stand to protect the Biden administration and their version of protected free speech as their brief didn't cite the listed restrictions in Doughty's ruling. The injunction only prohibited unlawful conduct preventing the named defendants from communicating with social-media platforms "or the purpose of urging, encouraging, pressuring, or inducing in any manner the removal, deletion, suppression, or reduction of content containing protected free speech posted on social-media platforms."

As *The New American* [reported](#) last month, the fight to end unconstitutional government censorship is far from over, as this brief, injunction, and continued appeals to the lawsuit will prove. The bottom line here is that no government entity has the legal right to suppress free speech.

The amicus brief was filed by the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia.



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