



Written by [Michael Tennant](#) on August 23, 2024

## Judge Gives RFK Green Light to Sue Biden Admin Over Censorship

A federal judge ruled Tuesday that Robert F. Kennedy, Jr.'s censorship lawsuit against the Biden administration may proceed.

"The Court finds that Kennedy is likely to succeed on his claim that suppression of content posted was caused by actions of Government Defendants, and there is a substantial risk that he will suffer similar injury in the near future," [wrote](#) U.S. District Judge Terry Doughty of the Western District of Louisiana.

### Murthy's Law

Kennedy and Children's Health Defense (CHD), which he chairs, allege that social-media companies have suppressed and continue to suppress their content under pressure from the Biden administration. Kennedy and CHD have been kicked off some social-media platforms, principally for their opposition to vaccines and Covid-19 tyranny.

According to the [Daily Caller](#), "Doughty granted Kennedy an injunction in February blocking multiple federal agencies from coercing or significantly encouraging platforms to suppress protected speech, which he put on hold pending the Supreme Court's ruling" in [Murthy v. Missouri](#).

In that case, the high court held that the states suing the government over its censorship campaign lacked standing. "To establish standing, the plaintiffs must demonstrate a substantial risk that, in the near future, they will suffer an injury that is traceable to a Government defendant and redressable by the injunction they seek," Justice Amy Coney Barrett wrote for the majority. "No plaintiff has carried that burden."

Doughty, whose preliminary injunction against the administration's censorship played a pivotal role in *Murthy*, found that Kennedy and CHD have carried the burden.

Relying on evidence presented in *Murthy*, Doughty noted that "Kennedy, along with his non-profit organization CHD, were in positions contrary to Government positions on COVID-19, including mask mandates, vaccine mandates, vaccine injuries, lockdowns, etc." Moreover, Kennedy "was identified as a member of the so-called 'Disinformation Dozen,' which was made up of twelve individuals that the Government specifically targeted for spreading alleged disinformation regarding COVID-19."

### Missed Information

Doughty then briefly recounted the history of the Biden administration's censorship efforts, particularly



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when it came to Kennedy and CHD.

“Three days after President Biden took office ... Clarke Humphrey..., Digital Director at the White House for the COVID-19 Response Team, emailed Twitter, requesting the removal of an anti-COVID-19 tweet by Kennedy,” penned the judge.

Soon afterward, other administration officials began pressuring Facebook to remove content making claims about vaccines that they considered misinformation. Facebook quickly caved and began not outright deleting the content, but making it difficult to find and distribute. “Facebook admitted that although the CHD’s posts did not violate its policies, it would suppress content that originated from CHD,” wrote Doughty.

In August 2021, after the administration threatened social-media platforms with legal action, Facebook deplatformed members of the “Disinformation Dozen,” including Kennedy, whose Instagram account was shut down. CHD lost its Facebook and Instagram accounts.

Still other officials and agencies, in partnership with left-wing nonprofits, sought to censor opposing viewpoints, and Kennedy and CHD were always among their top targets.

“There is not much dispute,” observed Doughty, “that both Kennedy and CHD were specifically targeted by the White House, the Office of Surgeon General, and CISA [the Cybersecurity and Infrastructure Security Agency], and the content of Kennedy and CHD were [sic] suppressed.”

### **Threat Assessment**

But could they “demonstrate a substantial risk that, in the near future, they will suffer an injury that is traceable to a Government defendant and redressable by the injunction they seek”? Doughty answered in the affirmative.

Brigid Rasmussen, chairwoman of Kennedy’s presidential campaign, testified that “content favorable to Kennedy’s campaign on social media has been censored,” recalled Doughty, and “that the censorship ... ‘continues to this day.’” Furthermore, given the fact that “then presidential-hopeful Donald Trump was censored by the actions of one of the Government Defendants,” “it is not out of the realm of possibility ... that Kennedy ... may suffer the same fate”:

For example, if, hypothetically, the FBI [Federal Bureau of Investigation] saw a piece of information related to the 2024 presidential election posted by the Kennedy campaign on social media that it deemed to be “misinformation,” then it reached out to CISA, who worked closely with the EIP [Election Integrity Partnership], who then removed the posts, Kennedy would be censored by the action of one Government Defendant in response to another. Therefore, there is a risk of a real and immediate threat of repeated injury.

Similarly, CHD demonstrated that it suffered both past and ongoing censorship. “Further,” averred Doughty, “the evidence supplied by CHD has established a concrete link between its injuries and the Defendants’ conduct.” The administration contended that CHD need fear no further censorship now that the pandemic has passed, but CHD pointed out that “if this were true, then it would not continue to be deplatformed from Facebook and Instagram at present.”

Both Kennedy and CHD would, of course, be redressed by an injunction against such government tactics. Thus, concluded Doughty, both have standing to sue.



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## Standing Ovation

Jenin Younes, an attorney with the New Civil Liberties Alliance, which represented some of the individual plaintiffs in *Murthy*, praised Doughty's decision.

"It is gratifying that Judge Doughty found RFK, Jr. and Children's Health Defense have standing, even under the draconian requirements the Supreme Court developed in *Murthy*," Younes told the Daily Caller. "We are assessing next steps for the *Murthy* plaintiffs in light of Judge Doughty's opinion, which will also assist us in crafting discovery requests to ensure we can demonstrate standing going forward."



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