

# Right-wing judge bars federal agencies from restricting COVID-19 misinformation on social media

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On July 4, a right-wing federal judge appointed by former President Donald Trump issued a ruling banning any direct contact between the Biden administration and social media companies to review content moderation on their platforms.

The ruling received a polarized reaction in the American media and political establishment, with Republicans generally celebrating the ruling as a victory for “free speech,” while Democrats denouncing it as opening the floodgates of “disinformation.”

The decision and the entire official debate around it are characterized by two basic falsehoods. First, the decision paints an upside-down picture of the widespread government surveillance and interference on social media and the internet, with the supposedly authoritarian “left” censoring the freedom-loving “right,” in line with the rhetoric of Trump and the Republicans. Second, the decision defends the far-right Wuhan Lab conspiracy theory, as well as deadly COVID-19 misinformation as legitimate “free speech” that is supposedly the primary target of government censorship.

The decision highlights the very real collaboration between the American government and the private social media conglomerates through various back channels to censor and throttle speech online. But the ruling dishonestly presents that collaboration as being primarily directed against right-wing opponents of COVID-19 countermeasures, instead of left-wing, antiwar, pro-science and anti-capitalist perspectives.

Judge Terry A. Doughty of the US District Court in the Western District of Louisiana granted the preliminary injunction in a lawsuit filed by the Republican attorneys general in Louisiana and Missouri. Judge Doughty sided with the plaintiffs’ claim that their “free speech” rights had been violated by the government because representatives of the Biden administration worked with the social media platforms to censor their posts and accounts from 2020 to 2022.

The ruling names numerous federal government departments—including Health and Human Services, National Institutes of Allergy and Infectious Diseases, Centers for Disease Control and Prevention, US Census Bureau, Federal Bureau of Investigation, Department of Justice, Homeland Security and State Department—along with individuals within the White House, such as Press Secretary Karine Jean-Pierre, and other prominent administration officials, such as Surgeon General Vivek H. Murthy and Director of Homeland Security Alejandro Mayorkas.

It says these individuals “are hereby enjoined and restrained” from engaging in a lengthy list of actions with the social media companies involving “content containing protected free speech posted on social media platforms.”

Some of the activities banned by Judge Doughty’s ruling include any collaboration of the named government departments and individuals with nonpartisan groups devoted to “fact checking” information online—such as

the Election Integrity Partnership, the Virality Project and the Stanford Internet Observatory—“for the purpose of urging, encouraging, pressuring, or inducing in any manner removal, deletion, suppression, or reduction of content posted with social-media companies containing protected free speech.”

Among the prominent plaintiffs in the case are Dr. Martin Kulldorff and Dr. Jay Bhattacharya, the co-authors of the so-called “Great Barrington Declaration,” which was published on October 4, 2020. This statement, which was contemporaneously reviewed by the *World Socialist Web Site*, advocated the policy of murderous herd immunity sought by the Trump White House. The authors of that document claimed that they were “censored on social media by Google, Facebook and Twitter, and others” and were the target of a “take down” by US government agencies.

Doughty, who assumed his first post as a federal judge on March 8, 2018, after his nomination by Donald Trump and confirmation by the Senate in a 98-0 vote, has functioned since his appointment as a crusader against public health. He ruled in 2021 against a federal mandate that health workers be vaccinated, on the grounds that vaccinations “do not prevent transmission of the disease” and that “the virus has achieved an immune escape from COVID-19 vaccines.”

In 2022, Doughty issued an injunction against a federal mandate requiring pre-kindergarten workers at Head Start to be vaccinated against COVID-19. The injunction applied to 24 states whose attorneys general had signed on to the lawsuit. Later, in September 2022, Doughty imposed a permanent injunction against a federal vaccine and mask mandate for the Head Start program, stating that President Biden did not have constitutional authority to issue such a mandate.

The notion that there has been a vast government conspiracy to censor right-wing speech online is fundamentally false. This position tracks with the claims by Donald Trump that the “deep state” and the Democratic Party are run by “Marxists” and “communists,” who are trying to destroy American democracy. In the concluding section of his ruling, Judge Doughty writes:

While not admitting any fault in the suppression of free speech, Defendants blame the Russians, COVID-19, and capitalism for any suppression of free speech by social-media companies.

The reality is that the apparatus of censorship implemented by US intelligence and state actors has overwhelmingly been used against anti-capitalist, antiwar, left-wing and socialist publishers online. Meanwhile, right-wing provocateurs who are opposed to COVID-19 countermeasures have been permitted to run amok with both tacit and direct government

support.

As far back as April 2017, the *World Socialist Web Site* proved that Google had implemented a new algorithm that suppressed WSWS search results and news posts, resulting in a nearly 70 percent decline in search traffic to the site. Similar declines were experienced by other left-wing publishers. At one point, during a Senate hearing in October 2020, Google parent Alphabet CEO Sundar Pichai publicly admitted that Google had been censoring the WSWS.

Taking their lead from Google, the social media platforms Facebook, Twitter and Reddit followed suit with similar actions, blocking posts and shutting down WSWS-affiliated Socialist Equality Party and International Youth and Students for Social Equality accounts and blocking online events from being promoted. Only after repeated international campaigns against the censorship were some of the accounts and posts restored.

In one noteworthy example, Twitter falsely labeled a WSWS report on natural COVID-19 origins in April 2022 as “misleading.” In that case, it was not a right-wing conspiracy theory that was being censored but a left-wing effort to expose and debunk that theory.

In his ruling, Doughty presents the collaboration of the social media companies with the Biden administration as though no such censorship regime existed until 2020, as social media companies reacted to the coronavirus pandemic in the spring and the attempt by Trump to overturn the presidential election in November of that year.

Despite its far-right bias and distortions, Judge Doughty’s 155-page ruling does provide extensive details about the interaction of high-level White House officials with top decision-makers at the social media companies to suppress specific posts and accounts on Facebook and Twitter. These relationships included exclusive conduits for the White House to flag specific social media activity for censorship.

There is a lengthy segment on the interaction of Rob Flaherty, Biden’s director of digital strategy, with the social media companies, especially Twitter. The ruling states that on February 6, 2021, “Flaherty requested Twitter to remove a parody account linked to Finnegan Biden, Hunter Biden’s daughter and President Biden’s granddaughter. The request stated, ‘Cannot stress the degree to which this needs to be resolved immediately,’ and ‘Please remove this account immediately.’ Twitter suspended the parody account within 45 minutes of Flaherty’s request.”

The next day, Twitter unveiled its “partner support portal” to Flaherty for the purpose of helping the White House to flag content on the platform to be removed. The ruling states: “Twitter also stated that it had been ‘recently bombarded’ with censorship requests from the White House and would prefer to have a streamlined process. Twitter noted that ‘[i]n a given day last week for example, we had more than four different people within the White House reaching out for issues.’” A similar relationship was subsequently set up with Facebook.

The exposure of the Democrats’ use of censorship techniques has once again opened the door for the increasingly fascistic Republican Party to falsely posture as defenders of free speech and constitutional rights. Doughty, a judicial representative of the political forces behind Trump’s recent call for the passage of a law that would make support for socialism illegal in the US, begins his ruling with quotes from the American Revolution on the significance of free speech rights.

The assertion of “individual liberty” in opposition to necessary public health measures has nothing in common with socialism or, for that matter, public health. Instead, it plays into the hands of powerful corporate and financial interests that oppose public health measures that interfere with the accumulation of profit.

Lockdowns and quarantines by their very nature necessarily impinge on individual “liberty,” as do necessary efforts to curb the flow of deadly misinformation, such as Trump’s claim that drinking bleach cures COVID-19.

The ruling cites an exchange in which a Facebook representative

contacted the CDC “to ask whether [the claim that] Ivermectin is effective in treating COVID is false, and if believed, could contribute to people refusing that vaccination or self-medicating.” The CDC advised Facebook that the claim that Ivermectin is effective in treating COVID is “NOT ACCURATE.”

This kind of exchange is not in the same category as the political censorship of left-wing publications, such as the WSWS. Indeed, the issue is not that the Biden administration was “too aggressive” in combating COVID-19 misinformation but that it did next to nothing, while spreading misinformation of its own, such as the lie that the pandemic is now “over.”

Right-wing libertarian arguments similar to those in Doughty’s decision were raised when Donald Trump’s social media accounts were suspended during the insurrection of January 6, 2021. At the time, the WSWS wrote:

The *World Socialist Web Site* is not indifferent to the consequences of a successful fascistic overthrow of the US government. The danger posed by “Big Tech” and the Democratic Party will not be solved by passively accepting, under the cover of the unconditional defense of free speech, the establishment of an authoritarian regime led by Trump, backed by fascist organizations. Our slogan in the midst of a fascist assault on Congress is not: “Hands off Hitler! Free Speech for Trump!”

Likewise, socialists are not indifferent to the massive toll of human beings who continue to be killed or permanently disabled every day by an eradicable virus. In this context, it would be absurd to insist on the centrality of “free speech” for fascistic forces relentlessly working on behalf of the corporate elite to undermine public health by spreading deadly misinformation.

The US Justice Department has asked a federal judge to stay the ruling by July 10, until the Court of Appeals for the Fifth Circuit rules on an appeal that is being filed.



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