

Berenson v. Biden (and Bourla) is live

Let's get ready to rumble! Why this lawsuit matters so much. And how you can help.



ALEX BERENSON

APR 12, 2023



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When Twitter banned me in August 2021 for writing that the Covid vaccines don't stop "infection. Or transmission," I was sure the federal government had played a role in my censorship.

But I had no idea how far it had gone - or that a board member of Pfizer, Dr. Scott Gottlieb, had also been involved.

I just knew I had to stand up for my Constitutional right to free speech.

In December 2021, I sued Twitter in federal court in San Francisco. The woke media and leftist lawyers on Twitter mocked the suit. One said it was the product of a "band of incompetent knock-off muppet lawyers."

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ALEX BERENSON,

Plaintiff,

v.

JOSEPH R. BIDEN, JR., President of the United States, in his official capacity;

ANDREW M. SLAVITT, Senior Advisor to the COVID-19 Response Coordinator, in his official capacity, and in his individual capacity;

ROBERT FLAHERTY, Director of Digital Strategy at the White House, in his official capacity, and in his individual capacity;

VIVEK MURTHY, M.D., Surgeon General of the United States, in his official capacity, and in his individual capacity;

SCOTT GOTTLIEB, M.D., former FDA Commissioner and Member of the Board of the Directors of Pfizer, Inc.; and

ALBERT BOURLA, PH.D., D.V.M., Chief Executive Officer of Pfizer, Inc.,

Defendants.

Case No.: _____

COMPLAINT

Jury Trial Demanded

INTRODUCTION

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They were wrong.

On April 29, 2022, Judge William Alsup [ruled](#) Berenson v. Twitter could move ahead. His ruling forced Twitter to settle with me and reverse my ban.

Even more importantly, it gave me access to crucial evidence that showed how the White House and Dr. Gottlieb had pressed Twitter to censor me during the spring and summer of 2021 - and how Twitter, after initially defending me, ultimately capitulated.

More evidence followed, from the Twitter Files and a separate lawsuit filed by the state of Missouri over social media censorship.

Now it is time for the second act in my campaign to hold White House and Pfizer responsible for their censorship.

Today I filed suit in federal court in New York City against President Biden, Pfizer chief executive Albert Bourla, and the other people who believed that the mRNA jabs were more important than the First Amendment.

The fact that the vaccines have now provably failed is almost - but not quite - irrelevant to the lawsuit. Even if they were perfect, our Constitution would protect my right to criticize them.

The lawsuit runs 70 pages and details a pattern of conduct by the conspirators that stretched for months. Its lead lawyer is James Lawrence, who represented Berenson v. Twitter so ably.



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Berenson v. Biden may provide a unique opportunity to hold Pfizer accountable for the failure of the mRNAs.

Because Pfizer is legally immune from lawsuits directly related to mRNA side effects, this lawsuit may be the ONLY chance we have to learn what the company knew about the way its vaccines were failing in summer 2021, what it told the government about that failure, and if it and the government worked together to encourage boosters and mandates.

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I am actually more confident in Berenson v. Biden than I was before Berenson v. Twitter. Social media companies had essentially a perfect record in defeating lawsuits over bans before my Twitter case, so last year we had to prove that Twitter had given me explicit promises that had modified its contract with me in order to defeat its motion to dismiss.

In this case, though, the Second Circuit - where I am filing - has offered us a crucial precedent. In [Knight Institute v. Trump](#), the Second Circuit ruled that President Trump could not block users from his Twitter account.

Why? The court found (and an appellate court agreed) that even though Twitter is a private company, when federal officials use their Twitter accounts make official statements, they convert those accounts into public forums and cannot ban people from commenting on them.

Think about it this way: imagine that the White House had a press conference at a hotel and tried to get the hotel to ban me from coming in to ask questions, because it didn't like what I was

asking. Everyone would agree that the government had violated the First Amendment, even though the hotel is a private company. We use necessary cookies to make our site work. We also set performance and functionality cookies that help us make improvements by measuring traffic on our site. For more detailed information about the cookies we use, please see our privacy policy.

That is exactly how the White House behaved toward me in 2021. In trying to force Twitter to ban me, Andrew Slavitt and President Biden acted to prevent me from commenting *on Twitter* on their accounts and statements, as I regularly had.

Further, I now believe that even a federal judge appointed by a Democrat may give us a fair shake. After all, Judge Alsup was appointed by President Clinton, but he saw the strength of *Berenson v. Twitter*.

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Still, this suit will not be easy.

Twitter was a tough opponent, but it is a mosquito compared to the federal government or Pfizer. We're now suing the President AND the head of one of the world's biggest and most powerful companies. They will have unlimited resources. Merely surviving the motion to dismiss will require an epic legal battle.

Your generosity in *Berenson v. Twitter* played a crucial role in forcing Twitter to settle. Even after Judge Alsup's ruling, the little bird was initially intransigent. But that changed as my war chest grew. Twitter knew that its lawyers could not outwait me and force me to a weak agreement. Thanks to you, James Lawrence and I got the discovery we needed to fuel the even more important process that starts today - the process of holding the White House and Pfizer accountable

If you want to be part of the fight, here's how:

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Venmo: Alex-Berenson-3 - last four digits of my phone are 1745

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Any donation is welcome. And if you can't donate, spare a thought or a prayer.

Everything I've done in the last three years has led to this.




57 Comments



Write a comment...



Elise Apr 12  **Pinned**

Were you required to file in New York? Seems like a huge stretch to believe any Justice will occur there. Many seem to have that concern.

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1 reply by **Alex Berenson**

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