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# SPEECH FIRST

## Speech First Files Amicus Brief in Support of Do No Harm in their Case Against Pfizer

**Washington, D.C. (March 27, 2024)** – Speech First submitted an [amicus brief](#) in [Do No Harm v. Pfizer](#) in defense of Do No Harm’s protection of the identities of their members. This comes after Speech First won an appeal in the U.S. Court of Appeals for the Tenth Circuit over this exact issue.

Do No Harm sued Pfizer in 2022 for racially excluding whites and Asians from its Fellowship in violation of federal civil-rights laws. In March 2024, despite existing legal precedent, the U.S. Court of Appeals for the Second Circuit mandated that they disclose the identity of their injured member by name in order to establish standing for the case. This mandate conflicts with core principles of freedom of association and protecting association’s members from retaliation.

In 2023, Speech First appealed its case against Oklahoma State University to the Tenth Circuit following a dismissal by the district court because Speech First uses pseudonyms to identify its members rather than their legal names. Per all of Speech First’s lawsuits on behalf of its members, Speech First uses pseudonyms for its standing members to protect these members from potential retaliation from their schools and the surrounding community. Students who stand up against their university when it violates their rights takes courage, but this action does not eliminate the threat of reprisal that still exists while these students remain on campus and attend classes during the ongoing lawsuit. In fact, it could amplify this threat. Speech First had a duty to protect the identities of its student members and so does Do No Harm.

Speech First has an interest case for the following reasons:

1. The Second Circuit’s opinion splits with the D.C. Circuit as well as a precedent set in the Tenth Circuit in Speech First’s recent win against OSU.
2. The Second Circuit’s rule will harm vulnerable plaintiffs, like college students and others who fear retaliation from those who are violating their rights.

Speech First Executive Director, Cherise Trump, had this to say:

“When we identify our members as plaintiffs in a lawsuit, we use pseudonyms to protect their identities from the universities and anyone else who may try to retaliate against them or try to coerce them. The

anonymity of our members is essential to the defense of their civil rights on campus, without it, students are far less likely to speak up and hold universities accountable when they violate students' rights. Do No Harm's case is of vital interest to Speech First because we prioritize protecting our students. There is no constitutional tradition or precedent that says an organization must identify its members with their *legal names* in order to have a valid claim against an institution that violates their rights. In fact, there is far more constitutional tradition in our country that aims to protect the vulnerable parties who aim to vindicate their rights when they have to go up against institutions who play on fear to intimidate potential challengers. We hope Do No Harm is successful in their request for review."

To schedule an engagement with Speech First, please contact Michael Hensley at [michael@athospr.com](mailto:michael@athospr.com) and [info@athospr.com](mailto:info@athospr.com).

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