

Social Media Helps Gibson Dunn Capsize Trump's EO Against NPR

By Sulaiman Abdur-Rahman

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What You Need to Know

- U.S. District Judge Randolph D. Moss permanently blocked the Trump administration from defunding plaintiffs NPR and PBS.
- Ted Boutrous Jr. and other Gibson, Dunn & Crutcher litigators represented plaintiff NPR.
- Akin Gump Strauss Hauer & Feld represented plaintiff PBS.

A Gibson, Dunn & Crutcher litigation team helped plaintiff National Public Radio secure permanent injunctive relief in a consolidated case that prevents the Trump administration from defunding NPR and Public Broadcasting Service.

The litigators entered into evidence for NPR a White House “fact sheet” and press release, plus President Donald Trump’s social media commentary calling for NPR’s defunding, according to the judge’s decision.

The fact sheet and press release announcing Trump’s EO made it clear the president wanted to discriminate against NPR and PBS, because he disfavored their journalism, the judge found.

“We’re thrilled with the ruling,” Theodore “Ted” Boutrous Jr., a partner at Gibson Dunn in Los Angeles, said Wednesday in a telephone interview with Law.com and the National Law Journal.

U.S. District Judge Randolph D. Moss of the District of Columbia ruled in favor of plaintiffs



Image via video

Ted Boutrous of Gibson, Dunn & Crutcher speaks via video to Ross Todd, editor and columnist with ALM, on August 24, 2022.

NPR and PBS, largely granting their motions for summary judgment, and declaring the heart of Trump’s Executive Order 14290 unconstitutional in a 62-page memorandum opinion filed Tuesday.

Trump signed EO 14290 in May 2025 instructing all executive departments or agencies to cease federal funding for NPR and PBS based on his disapproval of their viewpoints.

“The government’s concession that the executive order singles NPR and PBS out based on the content of their reporting ... is both unavoidable and all but dispositive,” Moss wrote in his decision.

“The executive order seeks to exclude NPR and PBS from receiving federal grants or other funding because they have provided more positive coverage of his political opponents than of

his party and allies, because their news coverage, in his view, tips left, and because they were critical of him,” Moss added in his permanent injunction order invalidating Sections 1 and 3(a) of EO 14290.

Gibson Dunn on behalf of plaintiff NPR, and Akin Gump Strauss Hauer & Feld on behalf of plaintiff PBS filed lawsuits last year challenging the constitutionality of Trump’s punitive executive order.

“We knew we had a very strong argument,” Boutrous said Wednesday, “because the president said he wanted all federal funding cut off ... because he viewed the views of NPR and its journalism to be woke and biased. That is such a serious First Amendment violation that we had to bring a challenge.”

The plaintiffs presented “overwhelming” evidence to support their First Amendment claims alleging viewpoint discrimination and retaliation, according to Boutrous.

In addition to the executive order itself, “We had social media posts from before President Trump took office the second time,” Boutrous said. “We had some discovery and some really interesting evidence that showed that there was just a real bias against NPR by the government. ... It was really powerful evidence.”

‘A Ridiculous Ruling’

Moss’ ruling prevents the Trump administration—or any future president—from defunding NPR and PBS based on viewpoint discrimination. But the Trump administration may enforce the remaining parts of EO 14290 that Moss left intact.

Outside of Sections 1 and 3(a), “There are a couple of other provisions that just haven’t been applied, haven’t been implicated,” Boutrous said of the EO. “The judge said if the administration ever does invoke them, we can come back and challenge those provisions.”

U.S. Department of Justice attorneys on behalf of Trump and other government defendants may appeal Moss’ judgment to the U.S. Court of Appeals for the D.C. Circuit.

“This is a ridiculous ruling by an activist judge attempting to undermine the law,” White House spokesperson Abigail Jackson said Wednesday in a statement shared via email. “NPR and PBS have no right to receive taxpayer funds, and Congress already voted to defund them. The Trump Administration looks forward to ultimate victory on the issue.”

The Gibson Dunn team—led by partners Boutrous, Miguel Estrada and Katie Townsend plus of counsel Sophia Brill—is prepared for any potential challenges, according to Boutrous.

“Judge Moss’ decision is predicated on bedrock First Amendment law, multiple decisions from the Supreme Court and the D.C. Circuit that directly support [Moss’] ruling, so we’ll be ready if they appeal,” Boutrous said.

“The ruling is important not just to NPR and PBS,” Boutrous added. “It demonstrates that the First Amendment is a barricade against interference with newsgathering and news reporting and speech from the executive branch’s efforts to squelch it, so we think it’s a very important ruling.”

“The First Amendment protects everyone’s speech,” Boutrous said. “The viewpoint discrimination doctrine that condemns government action that seeks to punish a speaker because of their viewpoint is so important because it protects people who are, from a political standpoint, liberal or conservative. It protects freedom of expression in terms of the arts and across the board. It doesn’t pick and choose. That’s the whole point.”

“It’s a good day for the American people when a court enforces those principles,” Boutrous added. “It protects our democracy, and that’s why we think this is such an important ruling.”