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America's Future Files Amicus Brief with SCOTUS in First Amendment Case

Florida – June 23, 2023 – America's Future, Inc., a national leader in the fight to preserve individual rights, promote American values and traditions, and protect the nation's Constitutional Republic, announced that it filed an [Amicus brief](#) with the Supreme Court of the United States (SCOTUS) in *Blankenship v NBC Universal, LLC, SCOTUS Dkt. 22-1125*. The brief was filed on June 21, 2023, supporting the petitioner, Don Blankenship, in his defamation lawsuit against certain media outlets for falsely referring to him as a “felon” and “having been convicted of manslaughter” during his 2018 U.S. Senate race in West Virginia.

In this case, the facts are not in dispute and stem from a separate earlier criminal case against the petitioner. As background, Mr. Blankenship was the CEO of Massey Energy Company, which owned and operated the Upper Big Branch mine (UBB mine), where [an explosion](#) occurred in April 2010, causing the death of 29 miners and injuries to two. Although Mr. Blankenship was originally indicted on various misdemeanor and felony charges following a [federal investigation](#), in 2016, he was acquitted on all charges other than one misdemeanor charge for which he was sentenced to 12 months in federal prison and ordered to pay a fine of \$250,000.

The litigation challenges the SCOTUS decision in the landmark 1964 case, [NY Times v Sullivan \(1964\)](#), a ruling essentially shielding media from libel claims lodged by public figures who must prove “actual malice” to prevail.

As our brief explains, “[a]fter his release from prison in 2017, Blankenship sought the Republican nomination for U.S. Senate from West Virginia []. During his campaign, a number of media organizations reporting on the race falsely referred to Blankenship as a ‘felon’ and ‘convicted felon,’ and having been convicted of manslaughter. He was unable to obtain retractions of those claims before the primary election...By any standard, this case presented an exceptionally strong circumstantial showing of ‘actual malice,’ [otherwise] this Court’s test in *New York Times v. Sullivan* is hopelessly flawed.”

“Remember, it is not the media’s First Amendment right to a free press; it is the people’s right,” said Mary O’Neill, Executive Director of America’s Future. “As such, the people are entitled to all of the

fruits of that liberty without interference, including by a compromised press. We hope the SCOTUS reverses its 60-year-old *New York Times v. Sullivan* decision, which will help restore faith that we are a nation of the people, by the people, and for the people.”

To read more details about this filing, along with other briefs filed by America’s Future, please visit our Law & Policy page on our website at www.AmericasFuture.net.

ABOUT AMERICA’S FUTURE, INC.

Founded in 1946, America’s Future, Inc. is a 501(c)(3) nonprofit organization committed to protecting the individual rights of every American and our Judeo-Christian values that make America exceptional. We do our work through educational and informational initiatives, strategic partnerships, communications, and networking opportunities that empower Americans to get involved in the fight to preserve the American way of life, now and for generations to come. For information, visit www.AmericasFuture.net.