

**United States House of Representatives  
Judiciary Committee  
Subcommittee on the Constitution**

**Prepared Statement of Rachel Goodman,  
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**February 23, 2026**

Ranking Member Raskin, Ranking Member Scanlon, and Members of Committee, thank you for inviting me to speak about this important matter.

I serve as Special Counsel at Protect Democracy, a non-partisan non-profit organization with the mission of preventing the United States from declining into a more authoritarian form of government. We work to preserve a civic landscape where Americans are free to get informed, organize, argue, dissent, and fairly compete for power through elections. This mission is essential because modern authoritarianism consolidates power not by eliminating elections, but by tilting the playing field to ensure that the regime in power stays in power. It is through that lens that we approach the Trump Administration's attacks on the First Amendment and the stakes of those attacks.

Aiming to quash dissent is a hallmark of the modern authoritarian playbook,<sup>1</sup> the strategy through which leaders in Russia, Venezuela, Hungary, the Philippines, and Turkey, among others, have sought to erode democracy. Democracies take strength from a robust and well-organized civil society, which allows citizens to come together around shared interests and beliefs. Autocratic regimes, by contrast, are threatened by the very existence of private spaces which can nurture dissent and incubate collective action. They are particularly threatened by an independent press, which can disrupt the autocrat's narrative and alert the public when those in power are abusing their positions.

That a President seeking to consolidate power would focus on chilling speech would not surprise the Framers of the United States Constitution, for whom the threat of tyranny was in no way abstract. Unwilling to endow a federal government with the ability to reach into the realms of civil society, religious or secular, they carefully protected space for speech, for peaceful assembly, and for petition in the very First Amendment in the Bill of Rights. In my statement today, I would like to paint a picture of the ways in which this Administration has sought to violate these "great bulwarks of liberty,"<sup>2</sup> mustering the might of the federal government to suppress disfavored expression and aiming to push its political opposition off the playing field of public life.

First, I will describe the ongoing campaign to chill and criminalize opposing viewpoints in civil society under the guise of fighting terrorism. Second, I will detail the astounding suppression of widespread and First-Amendment-protected opposition to the mass deployment of federal forces to American cities. Finally, I will recount the Administration's attempts to purge independent institutions like universities, law firms, and media platforms of speech that challenges the Administration's preferred narratives.

I will conclude by sharing actions and strategies available to all of us who want to fight for freedom of expression in this country, as well as awe of and appreciation for the continued strength of U.S. civil society in the face of these repressive government actions.

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<sup>1</sup> Jennifer Dresden, Aaron Baird, and Ben Raderstorff, *The Authoritarian Playbook*, Protect Democracy (June 15, 2022), <https://protectdemocracy.org/work/the-authoritarian-playbook/#quashing-dissent>.

<sup>2</sup> Annals of Cong. 434 (1789), *as cited at*: [https://constitution.congress.gov/browse/essay/amdt1-7-1/ALDE\\_00013537/](https://constitution.congress.gov/browse/essay/amdt1-7-1/ALDE_00013537/).

## Attacks on Nonprofits and Civil Society Organizations

The first year of this administration has revealed the degree to which targeting the infrastructure of civil society is a focus of its efforts to entrench power.<sup>3</sup> Just over two weeks after the inauguration, the President issued a memo to all executive departments and agencies in which he suggested — without evidence — that “many” nonprofits are using taxpayer dollars to “undermine American interests.”<sup>4</sup> This action established a focus on undermining civil society organizations that the administration perceives as oppositional. The administration has also been willing to instigate a harassing and retaliatory investigation against a national nonprofit it dislikes<sup>5</sup> and created a new rule for Public Service Loan Forgiveness that would allow it to deny benefits to employees of government and nonprofit entities it disagrees with.<sup>6</sup>

Most significantly, on September 25, 2025, in the wake of Charlie Kirk’s murder, the President issued National Security Presidential Memorandum-7 (“NSPM-7”), “Countering Domestic Terrorism and Organized Political Violence.”<sup>7</sup> The administration seized on the specter of political violence to resurrect the “Antifa” bogeyman and paint organizations on “the Left” as part of a network of dangerous extremists, including — tellingly — blaming antifascist rhetoric for inspiring the shooter. NSPM-7 declares that “The United States requires a national strategy to investigate and disrupt networks, entities, and organizations that foment political violence so that law enforcement can intervene in criminal conspiracies *before* they result in violent political acts” and directs the National Joint Terrorism Task Force and its local offices to “coordinate and supervise a comprehensive national strategy to investigate, prosecute, and disrupt” such entities and individuals.<sup>8</sup>

While that language may sound, on its face, like a reasonable way to respond to an uptick in political violence, further details in the memo make clear that it represents yet another tool aimed at chilling and suppressing the work of dissenting organizations. NSPM-7 identifies certain ideological beliefs as indicators of domestic terrorism, including, “anti-fascism” and “anti-Americanism, anti-capitalism, and anti-Christianity.” NSPM-7 also cites “extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality” as motivations that may “animate” political violence. These terms are not defined in the memo, and thus give the administration enormous latitude to stigmatize, investigate, and retaliate against organizations with viewpoints it dislikes — and that represent its political opposition.

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<sup>3</sup> Genevieve Nadeau and Ellinor Heywood, *Holding the Line Together: Civil Society and the First Year of the Trump Administration*, Nonprofit Quarterly (Jan. 20, 2026), <https://tinyurl.com/57xknudk>.

<sup>4</sup> Memorandum for the Heads of Executive Departments and Agencies, “Advancing United States Interests When Funding” (Feb. 6, 2025), <https://tinyurl.com/52cjukzp>.

<sup>5</sup> Kenneth P. Vogel, Kate Conger and Ryan Mac, *Under Siege From Trump and Musk, a Top Liberal Group Falls Into Crisis*, N.Y. Times (July 25, 2025), <https://tinyurl.com/47up8f96>.

<sup>6</sup> Cory Turner, *Public Workers Could Be Denied Loan Forgiveness if Cities Defy Trump, Lawsuit Alleges*, NPR (Nov. 3, 2025), <https://www.npr.org/2025/11/03/nx-s1-5591157/trump-pslf-teachers-loan-forgiveness>.

<sup>7</sup> National Security Presidential Memorandum 7, “Countering Domestic Terrorism and Organized Political Violence,” 90 Fed. Reg. 47225 (Sept. 25, 2025), <https://tinyurl.com/3hn4ak5s>.

<sup>8</sup> *Id.* (emphasis added).

NSPM-7 directs action against these entities, instructing all federal law enforcement agencies to “disrupt and dismantle entire networks of criminal activity” related to what it calls domestic terrorism. Attorney General Pam Bondi followed up on December 4, 2025, with a memorandum to all federal prosecutors and law enforcement agencies declaring domestic terrorism as defined by NSPM-7 to be a priority of federal law enforcement and directing the Joint Terrorism Task Forces (“JTTFs”) to “map the full network of culpable actors involved in the referred conduct inside and outside the United States.”<sup>9</sup> Although it is not clear precisely which organizations are being targeted and what investigations are being opened in response to these directives, that uncertainty enhances their intimidating effect.

Authoritarians abroad have used similar tactics to constrain civil society actors and other political opponents. In Russia, Vladimir Putin has used a “foreign agent” law, requiring any nonprofit in the country that receives even minimal international funding to register as a foreign agent.<sup>10</sup> These foreign agent laws spread to Hungary, Georgia, Slovakia, and beyond.<sup>11</sup> And in Hungary, Viktor Orbán’s smear campaign against philanthropist George Soros (a favorite target of the Trump administration and its allies) accuses him and the Hungarian civil society organizations he supports of wanting to funnel terrorists into the country through widespread illegal immigration.<sup>12</sup>

## Suppression of Protest and Opposition to Federal Deployments

Americans have not hesitated to take to the streets to showcase their opposition to this administration’s policies: there were more than 10,700 protests in 2025, a 133% increase from the 4,588 recorded in 2017, the first year of Trump’s first term.<sup>13</sup> This administration, in turn, has not hesitated to explicitly threaten violence against Americans for exercising their most core First Amendment rights to peacefully assemble and express opposition to government action. Last June, in the run-up to the military parade in Washington D.C. planned to coincide with the President’s birthday, President Trump told reporters in the Oval Office, “If any protesters want to come out, they will be met with very big force,” and later, “very heavy force.”<sup>14</sup>

Despite such threats, Americans have continued to assemble and speak, particularly to demonstrate their opposition to the administration’s actions towards immigrants. One dataset shows a surge by 77 percent in the number of demonstrations in the United States as compared to

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<sup>9</sup> Memorandum from Att’y Gen. Pam Bondi, “Implementing National Security Presidential Memorandum-7: Countering Domestic Terrorism and Organized Political Violence” (Dec. 4, 2025) (unpublished internal memorandum), available at: <https://tinyurl.com/2wrxe75d>.

<sup>10</sup> Natika Kantaria, *Spread of ‘Foreign Agent’ Laws in Central, Eastern Europe a Growing Threat to Civil Society*, International Service for Human Rights (Feb. 26, 2025), <https://tinyurl.com/5n95vxcx>.

<sup>11</sup> Anastasiia Vorozhtsova, *The “Russian Law” Model: Journalists as “Foreign Agents”*, Columbia University’s Global Freedom of Expression (Jan. 2, 2026), <https://tinyurl.com/wvzznhbt>.

<sup>12</sup> Lydia Gall, *Hungarian Government Stoops to New Low with Hate Campaign*, Human Rights Watch (July 12, 2017), <https://tinyurl.com/savnhfbn>.

<sup>13</sup> Lex McMenamin and Andrew Witherspoon, *‘Very Historic Time’: US Protests Have Jumped Since Trump’s First Term*, The Guardian (Jan. 19, 2026), <https://www.theguardian.com/us-news/2026/jan/19/trump-protests-data>.

<sup>14</sup> Stacey Dec, *Trump Warns ‘Any’ Protesters at Military Parade Will be ‘Met with Heavy Force’*, ABC News (June 10, 2025), <https://tinyurl.com/3cpwakdm>.

2024, with anti-Trump sentiment as the largest driver of the surge.<sup>15</sup> Its findings show that “President Trump’s migration crackdown was a major driver of anti-Trump demonstrations, with roughly 60% of anti-Trump protests also showing support for migrants or opposition to Immigration and Customs Enforcement (ICE) and to efforts to arrest and deport them.”<sup>16</sup>

The administration’s deployment of Department of Homeland Security personnel to American cities, ostensibly for immigration enforcement, has become increasingly unpopular as the abuses committed by these forces have captured American attention<sup>17</sup> — first in Los Angeles, then in Chicago and Portland, Oregon, and most recently in Minneapolis and Portland, Maine. As we would expect to see in a healthy democracy in response to unpopular policies, Americans have exercised their First Amendment rights amid these mass deployments in a myriad of ways beyond planned demonstrations. They have come outside to public streets to bear witness to officers’ interactions with their neighbors, sometimes expressing to those officers what they think of their conduct. They have used phones and dash cams to record video of those interactions and shared those videos and related information on social media and through text chains. They have gathered in prayer in front of facilities where ICE is holding immigrant detainees (and sometimes citizen protesters). Journalists have observed and taken photographs.

The federal government and its agents have responded with innumerable acts of force, threats, and harassment, all aimed at demonstrating that this administration will retaliate against individuals who exercise their First Amendment rights in opposition to it. In Los Angeles, a federal district court found that “federal agents’ indiscriminate use of force — targeting journalists standing far from any protest activity, launching scorching-hot tear gas canisters directly at people, and shooting projectiles at protestors attempting to comply with dispersal orders [would] undoubtedly chill the media’s efforts to cover these public events and protestors seeking to express peacefully their views on national policies.”<sup>18</sup> In Chicago, the federal court found that the federal government’s representations about its uses of force against observers, journalists, protesters, and clergy were not credible, and it issued a 233-page opinion enjoining further violations of their free speech, free exercise, and Fourth Amendment rights.<sup>19</sup>

And all of that before the most aggressive campaign of speech suppression yet, in Minneapolis. DHS agents shot and killed not one but two American citizens — Renee Good and Alex Pretti — who were exercising their First Amendment rights in Minneapolis this January. (Pretti was also lawfully exercising his Second Amendment rights.) DHS agents then used the specter of these awful murders to seek to further intimidate Minnesotans observing, recording, and protesting DHS actions, suggesting that observers should have “learned their lesson” from the killings.<sup>20</sup> A federal court in Minneapolis held that, apart from the killings, there had been dozens of documented instances of “injuries to rights suffered at the hands of federal law

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<sup>15</sup> Bianca Ho and Kieran Doyle, *United States and Canada Overview: January 2026*, Armed Conflict Location and Events Data (Jan. 12, 2026), <https://acleddata.com/update/united-states-and-canada-overview-january-2026>.

<sup>16</sup> *Id.*

<sup>17</sup> Matt Loffman, *Poll: Nearly Two-thirds of Americans Say ICE Has Gone Too Far in Immigration Crackdown*, PBS News (Feb. 5, 2026), <https://tinyurl.com/mrytw4n7>.

<sup>18</sup> *Los Angeles Press Club v. Noem*, 799 F. Supp. 3d 1036, 1045-46 (C.D. Cal. 2025) (appeal pending).

<sup>19</sup> *Chicago Headline Club v. Noem*, No. 25 C 12173, 2025 WL 3240782, at \*87 (N.D. Ill. Nov. 20, 2025).

<sup>20</sup> Noah Hurowitz, *Federal Agents Keep Invoking Killing of Renee Good to Threaten Protestors in Minnesota*, The Intercept (Jan. 14, 2026), <https://theintercept.com/2026/01/14/ice-minneapolis-protests-renee-good/>.

enforcement officers for engaging in protected activity,” and that speech-chilling actions included “the drawing and pointing of weapons; the use of pepper spray and other non-lethal munitions; actual and threatened arrest and detainment of protesters and observers; and other intimidation tactics.”<sup>21</sup>

Moreover, the Administration’s immediate responses to Renee Good and Alex Pretti’s deaths echoed the specter of “domestic terrorism” as invoked in NSPM-7, an attempt to turn these tragedies into fodder for its campaign of repression. In response to the protests over ICE’s killing of Renee Good, Trump threatened to invoke the Insurrection Act to stop “agitators and insurrectionists from attacking the Patriots of I.C.E.”<sup>22</sup> The official DHS X (Twitter) account and Secretary Noem explicitly accused Good of domestic terrorism.<sup>23</sup> Similarly, within hours of a Border Patrol agent shooting and killing Alex Pretti, Secretary Noem claimed Pretti “committed an act of domestic terrorism, that’s the facts.”<sup>24</sup>

In Minneapolis and elsewhere, the Administration has also adopted alarming surveillance tactics designed to track and intimidate protesters and observers.<sup>25</sup> Federal agents now routinely use advanced technologies like facial recognition software and license plate readers to identify the individuals protesting and documenting their actions.<sup>26</sup> By their own admission, agents are then storing information about those individuals in official government databases. In Maine, for example, an ICE agent was caught on camera telling a resident, “We have a nice little database and now you’re considered a domestic terrorist.”<sup>27</sup> Federal agents have gone even further in some cases, using the personal data they have collected to harass and threaten observers — by, for example, showing up at their homes to show that agents know where they live.<sup>28</sup>

Using state threats and state violence to stop public demonstrations of opposition to the regime is a hallmark of authoritarian government.<sup>29</sup> To name just a few examples: in Vladimir Putin’s Russia, since the invasion of Ukraine, any expression of dissent on that topic has been

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<sup>21</sup> Order, *Tincher v. Noem*, No. 0:25-cv-04669 (D. Minn. filed Dec. 17, 2025), available at:

<https://www.aclu-mn.org/cases/tincher-v-noem/?document=Preliminary-Injunction#documents>.

<sup>22</sup> Steve Karnowski, Hallie Golden, and Aamer Madhani, *Trump Threatens to Use The Insurrection Act to End Protests in Minneapolis*, Associated Press (Jan. 16, 2026), <https://tinyurl.com/3x7ybjav>.

<sup>23</sup> Dep’t Homeland Sec. (@DHSgov), X (Jan. 7, 2026, 7:23 PM),

<https://x.com/DHSgov/status/2009058387418562922>; *Id.* (Noem at 01:08–01:21); Sarah Fortinsky, *Noem Defends ‘Domestic Terrorism’ Assessment in Minneapolis ICE Shooting*, The Hill (Jan. 11, 2026),

<https://thehill.com/homenews/administration/5683488-noem-defends-ice-shooting/>; Stephen Miller (@StephenM), X (Jan. 7, 2026, 11:35 AM), <https://x.com/StephenM/status/2008970644541854028?s=20>.

<sup>24</sup> Kristi Noem Says Alex Pretti Was a Domestic Terrorist, WAAY 31 (Jan. 24, 2026), <https://tinyurl.com/2buacctp>.

<sup>25</sup> Callie Ferguson, ‘We Know You Live Right Here,’ ICE Agents Tell Maine Woman Who Followed Them, The Maine Monitor (Jan. 22, 2026), <https://themainemonitor.org/ice-confronts-westbrook-resident-filming/>.

<sup>26</sup> Mikael Thalen, *Minneapolis Protesters Think Someone’s Watching. They May Be Right*, Straight Arrow News (Jan. 22, 2026), <https://san.com/cc/minneapolis-protesters-think-someones-watching-they-may-be-right/>.

<sup>27</sup> Ken Klippenstein, *ICE Making List of Anyone Who Films Them*, Substack (Jan. 23, 2026), <https://www.kenklippenstein.com/p/ice-making-list-of-anyone-who-films>.

<sup>28</sup> Jon Collins, *Privacy Advocates: ICE Using Private Data to Intimidate Observers and Activists*, MPR News (Jan. 13, 2026), <https://tinyurl.com/285enrs9>; Jonah E. Bromwich, *ICE Agents Menaced Minnesota Protesters at Their Homes, Filings Say*, N.Y. Times (Feb. 13, 2026), <https://tinyurl.com/rtsvjdv9>.

<sup>29</sup> Ansley Skipper and Genevieve Nadeau, *Why Autocrats Paint Peaceful Protest as Dangerous*, Protect Democracy (Oct. 17, 2025), <https://www.ifyoucankeepit.org/p/why-autocrats-paint-peaceful-protest>.

met with criminalization and incarceration.<sup>30</sup> After a 2021 coup, Myanmar’s Junta attacked pro-democracy actors, labeling them as terrorists and violent.<sup>31</sup> When hundreds of thousands gathered in 2023 to protest against Poland’s Law and Justice Party (PiS), the government attempted to delegitimize the actions as a “march of hate.”<sup>32</sup> The party has been accused of using tactics like excessive force and identity checks to intimidate protesters.<sup>33</sup>

The Administration’s pattern of intimidation has not been confined to the streets; it has moved into the courtroom. While DHS is using physical tactics, the Department of Justice is increasingly weaponizing the legal system to target individuals for exercising their First Amendment rights or otherwise opposing the administration.<sup>34</sup> For instance, DOJ recently opened a criminal probe into Minnesota Governor Tim Walz and Minneapolis Mayor Jacob Frey, utilizing a rarely invoked conspiracy statute to suggest that their public criticism of federal immigration tactics constituted a criminal effort to “impede” federal agents.<sup>35</sup>

There is, however, reason for cautious optimism: In many cases, the “constitutional gatekeepers” are holding, and efforts to punish administration critics are falling flat. This is evidenced by the recent preliminary injunction in *Kelly v. Hegseth*, where the district court conclusively rejected the Administration’s theory that it could use military discipline to punish retired veterans for speaking out,<sup>36</sup> and by a string of grand jury no-bills in which citizens refused to indict individuals for engaging in nothing more than protected expression.<sup>37</sup> These quiet victories suggest that while the Administration is attempting to tilt the playing field, the independent checks within our legal system remain a formidable barrier to retaliatory prosecutions.

## Jawboning Institutions to Suppress Dissenting Speech

Because autocrats aim to consolidate power absolutely, they do not stop with direct state censorship of civil society actors. Autocrats often try to capture private players, through coercion and intimidation, to aid in their quest to suppress disfavored speech. Over the past year, this Administration has targeted universities, law firms, and the media, and threatened many other institutions with funding cuts, costly litigation, invasive audits, and sanctions.

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<sup>30</sup> Sasha de Vogel, *A War With No End in Sight*, Dissent (Apr. 28, 2023), [https://dissentmagazine.org/online\\_articles/russia-war-with-no-end/](https://dissentmagazine.org/online_articles/russia-war-with-no-end/).

<sup>31</sup> *How Myanmar's Military Terrorized its People*, The Washington Post (Aug. 25, 2021), <https://www.washingtonpost.com/world/interactive/2021/myanmar-crackdown-military-coup/>.

<sup>32</sup> *Poland Protest: Hundreds of Thousands Demand Change in Warsaw*, BBC (June 4, 2023), <https://www.bbc.com/news/world-europe-65803318>.

<sup>33</sup> Joint Letter to UN Special Procedures, *Poland: Concerns over Intimidation, Violence and Detentions of Peaceful Protesters*, International Federation for Human Rights (Dec. 3, 2020), <https://tinyurl.com/9krkc49a>.

<sup>34</sup> *Tracking Retaliatory Use of Arrests, Prosecutions, and Investigations by the Trump Administration*, Protect Democracy (Feb. 10, 2026), <https://tinyurl.com/yebp5zb9>.

<sup>35</sup> *The DOJ Investigation of Minnesota Officials, Explained*, Protect Democracy (Jan. 23, 2026), <https://tinyurl.com/32xsapkr>; 18 U.S.C. § 372.

<sup>36</sup> *Kelly v. Hegseth*, No. 1:26-cv-00081 (D.D.C. Jan. 12, 2026).

<sup>37</sup> Kristy Parker, *Constitutional Gatekeepers: The History and Role of Grand Juries*, Protect Democracy (Jan. 28, 2026), <https://tinyurl.com/mte25r5j>.

## Universities

Autocratic governments consider the independent inquiry and thought that flourishes in the university context to be a threat. As a result, authoritarian governments in Hungary,<sup>38</sup> Turkey,<sup>39</sup> and Brazil<sup>40</sup> have each taken steps to place all universities under the control of the central government, using a combination of legal authority and financial pressure. As former Secretary of Education Arne Duncan put it on this topic, “The parallels between what happened in Hungary and what we now see unfolding at home are unmistakable. The early responses were the same. And if left unchecked, the outcome will be as well.”<sup>41</sup>

Since its inception, this Administration has used federal funding as a cudgel to seek to force universities to change the ideological balance of speech on campus. It succeeded in coercing six universities to sign agreements between July and November 2025.<sup>42</sup>

Although the administration has cited a need for more forceful response to campus anti-semitism as its justification for cutting off or threatening funding, its aims are clearly far broader. As part of these negotiations, it tried to force Harvard to place a government-approved auditor in charge of achieving sufficient “viewpoint diversity” among faculty and students.<sup>43</sup> Its subsequent proposed Compact for Higher Education attempted to pressure universities to commit to “transforming or abolishing institutional units that purposefully punish, belittle, and even spark violence against conservative ideas” — with no equivalent provision related to the suppression of any other viewpoint.<sup>44</sup> Reducing the opportunity and ability for dissenting ideas to flourish on campus and narrowing the scope of academic freedom is straightforwardly a goal of these efforts.

The Administration has similarly sought to narrow scientific and public health research to exclude people and subjects it disfavors. In February 2025, the National Institutes of Health terminated hundreds of grants awarded to researchers using a baseless assertion that their work was “unscientific” and “no longer effectuate[d] agency priorities” because it allegedly involves “DEI,” “transgender issues,” or other disfavored topics.<sup>45</sup> This move jeopardized \$2.4 billion in research funding, ranging from grants to study disparities in pregnancy health to those examining the efficacy of preventative HIV medications. Researchers successfully sued the administration

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<sup>38</sup> Lydia Gall, *Hungary Continues Attacks on Academic Freedom*, Human Rights Watch (Sept. 3, 2020), <https://perma.cc/O96R-2S52>.

<sup>39</sup> Muzaffer Kaya, *Turkey's Purge of Critical Academia*, Middle East Research and Information Project (Dec. 15 2018), <https://perma.cc/C4CJ-CBT8>.

<sup>40</sup> Pedro Salgado, *The Crisis of Brazilian Universities: Higher Education Under Bolsonaro*, International Research Group on Authoritarianism and Counter-Strategies (July 21, 2021), <https://perma.cc/4H5U-RMPM>.

<sup>41</sup> Arne Duncan and David Pressman, *Universities Are Sending Trump a Dangerous Message*, The Washington Post (Feb. 9, 2026), <https://tinyurl.com/4z9n4nyv>.

<sup>42</sup> Alan Blinder, *How Universities Are Responding to Trump*, N.Y. Times (Feb. 5, 2026), <https://www.nytimes.com/article/trump-university-college.html>.

<sup>43</sup> Josh Gruenbaum, Sean R. Keveney and Thomas E. Wheeler, Letter Sent to Harvard University, U.S. Gen. Servs. Admin., U.S. Dep't of Educ., and U.S. Dep't of Health & Hum. Servs (Apr. 11, 2025), <https://tinyurl.com/2mfjnxrp>.

<sup>44</sup> Compact For Academic Excellence in Higher Educ. (drafted Oct. 1, 2025), *available at*: <https://tinyurl.com/73jertk5>.

<sup>45</sup> Mary Kekatos, *NIH Terminating Active Research Grants Related to LGBTQ+, DEI Studies*, ABC News (Mar. 7, 2025), <https://abcnews.com/Health/nih-terminating-active-research-grants-related-lgbtq-dei/story?id=119553232>.

to set aside its policy.<sup>46</sup> The effort to cut out whole areas of study and label them “unscientific” aims to replace research that could support dissenting narratives with ideology, and to delegitimize certain subjects and populations.

### *Law Firms*

This Administration also understands that an independent legal profession is critical to maintain the rule of law and hold the government accountable. That’s why, at the end of February 2025, President Trump issued the first of several executive orders singling out prominent law firms. He claimed these firms were “undermining the judicial process and in the destruction of bedrock American principles”<sup>47</sup> and “engag[ing] in conduct detrimental to critical American interests.”<sup>48</sup> This rhetoric belied the fact that these firms were singled out by the President because many of them represented or even employed clients and viewpoints he disfavored.<sup>49</sup>

The orders stripped attorneys of their security clearances, blocked attorneys’ access to federal buildings, and threatened government contractors who worked with the firms. Soon after, the president instructed the attorney general to “seek sanctions against attorneys and law firms who engage in frivolous, unreasonable, and vexatious litigation against the United States.”<sup>50</sup> These executive orders were a warning to law firms that if their attorneys pursued cases or causes in opposition to the Administration, the institutions would be punished.

Four law firms targeted by these orders have now won trial court victories finding that the actions violated their First Amendment rights; nine law firms entered into settlements without fighting.<sup>51</sup> The chilling effect of these orders on other law firms is unmistakable. One of the ways that civil society fights back against the authoritarian playbook is through litigation; that not only requires lawyers, but for many nonprofits, pro bono counsel, often drawn from the targeted firms. Since these moves, large firms have refused to take on “pro bono and paid legal work from groups that seek to hold the government to account on issues like environmental protection, LGBTQ+ rights and police accountability.”<sup>52</sup> If lawyers are taken off the field (or persuaded to take themselves off the field), more of civil society is likely to follow. And that means diminished ability to organize, limits on public debate and the free exchange of ideas, and fewer organizations standing up to confront abuses of power.

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<sup>46</sup> *Am. Pub. Health Ass’n v. Nat’l Insts. of Health*, No. 1:25-cv-10787-WGY, 2025 WL 1747128 (D. Mass. June 23, 2025).

<sup>47</sup> Executive Order, “Addressing Risks From Paul Weiss,” 90 Fed. Reg. 13039 (March 14, 2025), (<https://www.federalregister.gov/documents/2025/03/20/2025-04867/addressing-risks-from-paul-weiss>).

<sup>48</sup> Executive Order, “Addressing Risks From WilmerHale,” 90 Fed. Reg. 14549 (March 27, 2025), (<https://www.federalregister.gov/documents/2025/04/03/2025-05845/addressing-risks-from-wilmerhale>).

<sup>49</sup> Chad de Guzman, *The Law Firms Trump Has Targeted, Why, and How They’ve Each Responded*, Time (Apr. 1, 2025), (<https://time.com/7272466/law-firms-trump-wilmerhale-jenner-block-paul-weiss-covington-burling/>).

<sup>50</sup> Memorandum for the Att’y Gen. and the Sec’y of Homeland Sec., “Preventing Abuses of the Legal System and the Federal Court” (March 22, 2025), (<https://tinyurl.com/ycueha9d>).

<sup>51</sup> David Thomas and Mike Scarcella, *Some Law Firms that Cut Deals with Trump Take Cases Opposing His Administration*, Reuters (Sept. 16, 2025), (<https://tinyurl.com/2xzh2bzj>).

<sup>52</sup> Molly Redden, *Trump’s War on Big Law Means It’s Harder to Challenge the Administration*, ProPublica (Aug. 6, 2025), (<https://www.propublica.org/article/trump-law-firms-accountability-environment-police-lgbtq>).

Authoritarians around the world recognize lawyers as a bulwark against government abuses and have attempted to constrain them through harassment, disbarment, or even criminal prosecutions.<sup>53</sup> In Russia,<sup>54</sup> China,<sup>55</sup> and Turkey,<sup>56</sup> lawyers have not only been on the frontlines defending targets of government suppression, but also been the targets themselves. And in Poland, judges led the “1,000 Robes March” to protest the Law and Justice government’s attempts to curb judicial independence.<sup>57</sup>

### *Media*

Although it is beyond the scope of this summary testimony to catalogue all the ways this Administration has demonstrated its willingness to use government power to chill free and independent press coverage, it is important to include the Administration’s acts of regulatory retaliation against media companies as part of this jawboning campaign. The Federal Communications Commission (FCC), led by Chair Brendan Carr, has led the campaign. It has repeatedly used its public interest authority in defiance of law and norms to threaten and retaliate against news coverage that the President dislikes.<sup>58</sup> Some of these incidents have garnered widespread coverage — like Carr’s threats against late-night host Jimmy Kimmel — and others have flown largely under the radar, like the letter of inquiry sent to a politically disfavored radio station for a story about the presence of unmarked ICE vehicles.<sup>59</sup> Meanwhile, the FCC’s jawboning of CBS has been so successful that, just last week, late night host Stephen Colbert disclosed that he had been prevented from airing an interview with Democratic Senate candidate James Talerico based upon a novel interpretation of the FCC’s equal time rule.<sup>60</sup>

The Department of Justice and the Federal Trade Commission have also taken steps aimed at coercing technology platforms to suppress information that the Administration would rather remain out of public view. As Ranking Member Raskin knows well, Attorney General Bondi successfully pressured Apple into removing ICEBlock, an app aimed at allowing the public to track ICE activities in real time, and other similar apps. Google quickly followed suit.<sup>61</sup> And the FTC recently sent Apple a letter suggesting that its Apple News app could violate

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<sup>53</sup> Amy Slipowitz, *Justice in Shackles: The Global Persecution of Judges and Lawyers*, Freedom House (Apr. 23, 2025), <https://tinyurl.com/573fxv33>.

<sup>54</sup> Igor Slabykh, *Russia Attacks Lawyers, the Last Independent Institution*, The Wilson Center (Oct. 26, 2023), <https://www.wilsoncenter.org/blog-post/russia-attacks-lawyers-last-independent-institution>.

<sup>55</sup> *China: 10 Years Since ‘709 Crackdown,’ Lawyers Still Under Fire*, Human Rights Watch (July 6, 2025), <https://www.hrw.org/news/2025/07/06/china-10-years-since-709-crackdown-lawyers-still-under-fire>.

<sup>56</sup> *Justice Delayed: Lawyers’ Associations Condemn the European Court of Human Rights’ Inaction on Lawyers’ Cases in Turkey*, N.Y. City Bar Ass’n (Sept. 19, 2025), <https://tinyurl.com/22csj49h>.

<sup>57</sup> *Thousands Protest Against Poland’s Plan to Discipline Judges*, Reuters (Jan. 11, 2026), <https://tinyurl.com/433ceemj>.

<sup>58</sup> See Jericho Casper, *Legal Experts Warn FCC’s Brendan Carr Edging Toward ‘Coercion,’* Broadband Breakfast (Oct. 8, 2025), <https://broadbandbreakfast.com/legal-experts-warn-fccs-brendan-carr-edging-toward-coercion/>.

<sup>59</sup> Byron Tau, *How an AM Radio Station in California Weathered the Trump Administration’s Assault on Media*, Associated Press (Dec. 15, 2025), <https://tinyurl.com/bdeuswjz>.

<sup>60</sup> Sophie Brams, *Colbert Dismisses CBS Statement on Talarico Interview: ‘I’m Just so Surprised’*, The Hill (Feb. 18, 2026), <https://thehill.com/homenews/media/5743078-colbert-cbs-talarico-interview/>.

<sup>61</sup> Press Release, *Ranking Member Raskin Probes Trump Administration’s Unconstitutional Campaign to Take Down Apps Monitoring Immigration Enforcement*, U.S. House Judiciary Committee Democrats (Feb. 6, 2026), <https://tinyurl.com/ysad9wk4>.

consumer protection law if it did not sufficiently elevate “conservative” news outlets.<sup>62</sup> Despite that letter’s attempt to suggest that it is a private media company Apple, rather than the federal government, engaging in ideological censorship, these actions represent astounding and unprecedented escalations of the Administration’s campaign to rein in any institution that would platform dissenting ideas.

These moves are closely aligned with the “Hungary model” of media capture, in which a nominally independent media regulator, who in fact is completely aligned with the president or the ruling party, exerts financial and administrative pressure on independent media in an effort to destabilize their business and, ultimately, eliminate the independent media company.<sup>63</sup> In Hungary, when Fidesz achieved its supermajority in 2010, one of the first laws it passed was a media law, justified as a needed “corrective” to left wing bias in the press.<sup>64</sup> Like the FCC, Hungary’s new media authority is authorized to revoke broadcasting licenses and approve or prohibit mergers,<sup>65</sup> and it has used these powers to penalize media critical of the government and encourage the expansion and consolidation of pro-government media.<sup>66</sup> The Hungary model has been deployed in de-democratizing societies around the world; when Poland’s Law and Justice party held the government from 2015 to 2023, it similarly deployed regulatory power to weaken critical media through antitrust investigations, licensing decisions, and retroactive taxation.<sup>67</sup>

## What Americans Can Do To Fight Back

### *Don’t Back Down*

Autocrats seek to force anticipatory obedience by demonstrating their power over a small number of dissenting people or organizations, often starting with the most vulnerable or controversial. Seeing this, the thinking goes, others will quiet down or scale back their work, leaving fewer people and organizations standing up to the autocrat. After all, even the vast resources of the state are insufficient to actually threaten or retaliate against each instance of dissenting speech.

Accordingly, the goal of these attacks on free speech is largely to get Americans to self-censor. Our democracy will endure if ordinary Americans continue to refuse to bow to the attempts at intimidation and coercion.<sup>68</sup>

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<sup>62</sup> Andrew N. Ferguson, Letter to Apple Inc. re: Potential FTC Act Violations Related to Suppressing or Promoting Featured News Articles for Political Reasons, Fed. Trade Comm’n (Feb. 12, 2026), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/apple-news-warning-letter.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/apple-news-warning-letter.pdf).

<sup>63</sup> James Wiseman, ‘The Hungary model’: How Poland Copied Illiberal Tactics for Weakening Independent Media, Int’l Press Inst. (May 20, 2020), <https://tinyurl.com/35wbhjrw>.

<sup>64</sup> Marius Dragomir, *The State of Hungarian Media: Endgame*, LSE Blog (Aug. 29, 2017), <https://tinyurl.com/ywp23uee>.

<sup>65</sup> Int’l Press Inst., *Media Capture Monitoring Report: Hungary*, at 7-8 (2024), <https://tinyurl.com/mbtdans5>.

<sup>66</sup> *Id.*; Int’l Press Inst., *Leading Independent Radio Station Muzzled in Hungary* (Feb. 9, 2021), <https://tinyurl.com/3sw3ecz>.

<sup>67</sup> Int’l Press Inst., *Democracy Declining: Erosion of Media Freedom in Poland*, 13 (2020), <https://tinyurl.com/4bwe7ssj>.

<sup>68</sup> Shanna Singh Hughey, *Reversing the Vicious Cycle of “Anticipatory Obedience”*, Protect Democracy (Aug. 8, 2024), <https://www.ifyoucankeepit.org/p/reversing-the-vicious-cycle-of-anticipatory>.

We have seen incredible examples of this refusal to be silenced across the country. In Los Angeles and Chicago and North Carolina, and most astoundingly in Minneapolis, ordinary residents have continued to stand up in the face of federal threats and federal violence, to continue expressing their opposition and to support their neighbors being targeted by the federal government. In Minneapolis, they turned out by the tens of thousands to protest, even in frigid subzero weather, and they continued to engage in mutual support and observation even after the killings of Renee Good and Alex Pretti. They continued to express their opposition until this administration turned its tail and fled from Minneapolis — just like it did in Los Angeles and in Chicago, when the people stood firm in support of their communities.

On the media front, Jimmy Kimmel returned with a monologue that directly addressed the censorship he had faced, calling it “un-American” and “dangerous.”<sup>69</sup> Stephen Colbert put his interview with James Talarico on YouTube, where it received nearly five million views in days.<sup>70</sup> After Apple and Google removed ICEBlock and similar apps from their app stores, the makers of ICEBlock acted far more bravely, fighting back with a lawsuit which will force the government to justify its jawboning in court.<sup>71</sup> Actions like these remind Americans that compliance is a choice — and stiffen our collective spine as attempts at repression continue to escalate.

### *Act Collectively*

The authoritarian faction seeks to pick off dissenting voices one at a time, and solidarity is the only bulwark against that tactic. The less popular the dissenter, the better for fueling the repression to come. As a result, civil society actors must unite to protect expression — even when they disagree with the viewpoint being expressed.

The nonprofit sector is demonstrating how to effectively lean into mutual support by creating and sharing resources and engaging in various forms of solidarity. That includes standing up the NGO Solidarity Network, a coordinated network of more than 150 nonprofit organizations — a sort of NATO for nonprofits — that shares critical information about threats to nonprofits, ensures access to practical resources for organizations in need, and develops strategies for collective action.<sup>72</sup> That’s not to say the administration’s threats haven’t done real harm — especially when combined with federal funding cuts forcing the sector to do more with less. But civil society organizations continue to provide services to their vulnerable clients and advocate for their preferred policies, despite the administration’s disfavor for these activities, and many of them remain on the front lines of fighting back, in courts, in communities, and in the public arena. They are drawing the strength to continue, in the face of everything, by drawing closer together.

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<sup>69</sup> Chad de Guzman, *Jimmy Kimmel Champions Free Speech and Calls Out Trump in Late-Night Comeback*, Time (Sept. 24, 2025), <https://time.com/7319907/jimmy-kimmel-live-returns-monologue-trump-administration/>.

<sup>70</sup> Sophie Brams, *Colbert Dismisses CBS Statement on Talarico Interview: 'I'm Just so Surprised'*, The Hill (Feb. 18, 2026), <https://thehill.com/homenews/media/5743078-colbert-cbs-talarico-interview/>.

<sup>71</sup> Bobby Allyn, *ICEBlock App Sues Trump Administration for Censorship and 'Unlawful Threats'*, NPR (Dec. 8, 2025), <https://www.npr.org/2025/12/08/nx-s1-5631826/iceblock-app-lawsuit-trump-bondi>; Complaint, *Aaron v. Bondi*, No. 1:25-cv-03824 (D.D.C. Dec. 19, 2025), available at: <https://tinyurl.com/mu7mbkyp>.

<sup>72</sup> Peter Nicholas, *'NATO for Nonprofits': Groups Organize to Band Together if Targeted by Trump*, NBC News (Oct. 2, 2025), <https://www.nbcnews.com/politics/donald-trump/nato-nonprofits-groups-band-together-trump-rcna234954>.

Similarly, while some individual law firms and universities have allowed themselves to be silenced by the Administration's jawboning, entities like the American Association of University Professors and the American Bar Association have fought back in court — showing that professionals can still demonstrate solidarity with each other even when their institutions will not.<sup>73</sup>

Not only does acting collectively provide some safety for each dissenter — making any attempt by the administration to retaliate against individuals far more resource-intensive and cumbersome — but it shows the administration and its allies that there is significant opposition to the suppression it seeks to effect and thus can force a change in policy. The way the administration backed down in the face of demonstrated whole-of-society opposition to the Jimmy Kimmel threats is one useful example. Solidarity is the antidote to speech suppression.

### *Support Independent Media*

The Trump administration has been successful in using regulatory retaliation and jawboning tactics to shut down much journalism that has historically held power to account.<sup>74</sup> In an era in which so much content of dubious quality is available for free, fact-based news organizations face this regulatory peril on top of the existential fight to find sustainable funding models.

While news production in large media corporations has proven vulnerable to regulatory retaliation by the administration, the nonprofit news sector continues to grow. Local nonprofit news organizations in particular are increasing their revenue and avoiding revenue loss,<sup>75</sup> and provide a hopeful path forward for the kind of journalism that really engages people in the issues that bring them into political engagement.

The work of journalism remains vital for the future health of our democracy, no less so than when the Framers enshrined freedom of the press in the First Amendment. Paying for quality journalism protects speech and fights the authoritarian playbook. Financial support for a local news organization, a national news outlet, a nonprofit newsroom, or a public radio station is a way to help ensure that the administration's narrative of events — along with its explanations of history, society, science, and the economy — do not become the only stories to which Americans have access.

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<sup>73</sup> Press Release, *American Bar Association Files Suit to Halt Government Intimidation of Lawyers and Law Firms*, American Bar Ass'n (June 16, 2025), <https://tinyurl.com/yc5fp9t9/>; AAUP Litigation, American Ass'n of University Professors (last accessed Feb. 17 2026), <https://www.aaup.org/about/programs/legal-program/aaup-litigation>.

<sup>74</sup> Margaret Sullivan, *A 'Bias Monitor' for CBS News Is A Bad Idea. Here's Why*, *The Guardian* (Aug. 9, 2025), <https://tinyurl.com/yf5mprzy>; Jason Lalljee, *What to Know About CBS' Bari Weiss Amid "60 Minutes" Censorship Allegations*, *Axios* (Dec. 22, 2025), <https://www.axios.com/2025/12/23/cecot-bari-weiss-trump-60-minutes>.

<sup>75</sup> Hanaa' Tameez, *Nonprofit News is Growing Strong — Especially Local Nonprofit News, a New Report Shows*, *Nieman Lab* (Oct. 8, 2025), <https://tinyurl.com/2wy2b5p3>.

## **Conclusion**

This administration has consistently defied the First Amendment, seeking to silence critics through every possible lever that control of the federal government affords — regulatory retaliation, criminal penalties, funding authority, and beyond. To intimidate the broad public and suppress its burgeoning dissent, it deploys federal law enforcement and even military troops. Its aim is to weaken its perceived political opposition to prevent it from effectively participating in our electoral system.

As the midterm elections approach, we can expect the Trump administration to continue, and even escalate, its efforts to silence dissenters and further constrain civil society. Organizations like mine will continue to support Americans who speak out in the face of these attacks, but ultimately the survival of our democracy depends on the courage of the American public. As the retreat of thousands of armed officers from Minneapolis demonstrates, that mighty force is one to be reckoned with.

I am grateful for your attention to these matters and I look forward to answering your questions.