

NO POLITICAL ENEMIES ACT

The Danger of Increasing Attacks on Free Speech and Political Participation

No President – Democrat or Republican – should have the power to punish people or organizations on the basis of their constitutionally protected speech, beliefs, viewpoints, or political participation. Non-profit organizations, religious institutions and faith groups, media outlets, research and education institutions, business enterprises, unions, philanthropic foundations, and all participants in our civil society rely on the rule of law. The law is supposed to protect us all against arbitrary or retaliatory government action. In a healthy constitutional system, federal enforcement powers are exercised neutrally, guided by evidence and law rather than ideology or political affiliation. It has become increasingly clear that the norms we have relied on to uphold the rule of law are not sufficient on their own to prevent the federal government from wielding power to target people and organizations for political reasons. Further, even when those abuses of power ultimately fail – e.g., because courts stop the action as unconstitutional – the targets and society at large still pay a steep price and the targeting often still has its intended effect of chilling protected political activity. Those defending themselves in court against groundless accusations are forced to spend time, money, and energy. Some may be subject to costly and harassing investigations, or tarnished as dangerous-to-associate with, and not even have the chance to clear their names in court. Others hear the message loud and clear that criticizing the Administration will have dire consequences. The public risks losing its trust in the neutrality of law enforcement and the integrity of civil society.

Summary of Key Provisions to Protect Free Speech and Political Participation

- **Reaffirm our Constitution and laws prohibit the president from weaponizing government against people who disagree with the administration.** Upholding foundational constitutional principles that protect free speech and political participation. The DOJ, FBI, IRS, and other government agencies cannot be used to silence or target people for criticizing the government with constitutionally protected speech.
- **Deter government officials from abusing their power to silence or retaliate against critics.** Deter misconduct by making clear there are consequences for violating federal civil rights laws and that federal officials can be held accountable for abuses.
- **Provide tools for those wrongly targeted to defend themselves in court, including meaningful access to evidence, correcting the imbalance of proof, having the legal costs to defend themselves covered, and allowing courts to quickly dismiss abusive actions.**
- **Provide due process for any U.S. nonprofits the government attempts to label as criminal or terrorist organizations.**
- **Improve transparency and accountability for federal agencies that seek to silence critics.** Create mechanisms for improved reporting and accountability for government agencies so that officials who commit misconduct by abusing their power to censor or retaliate against critics can be held accountable.