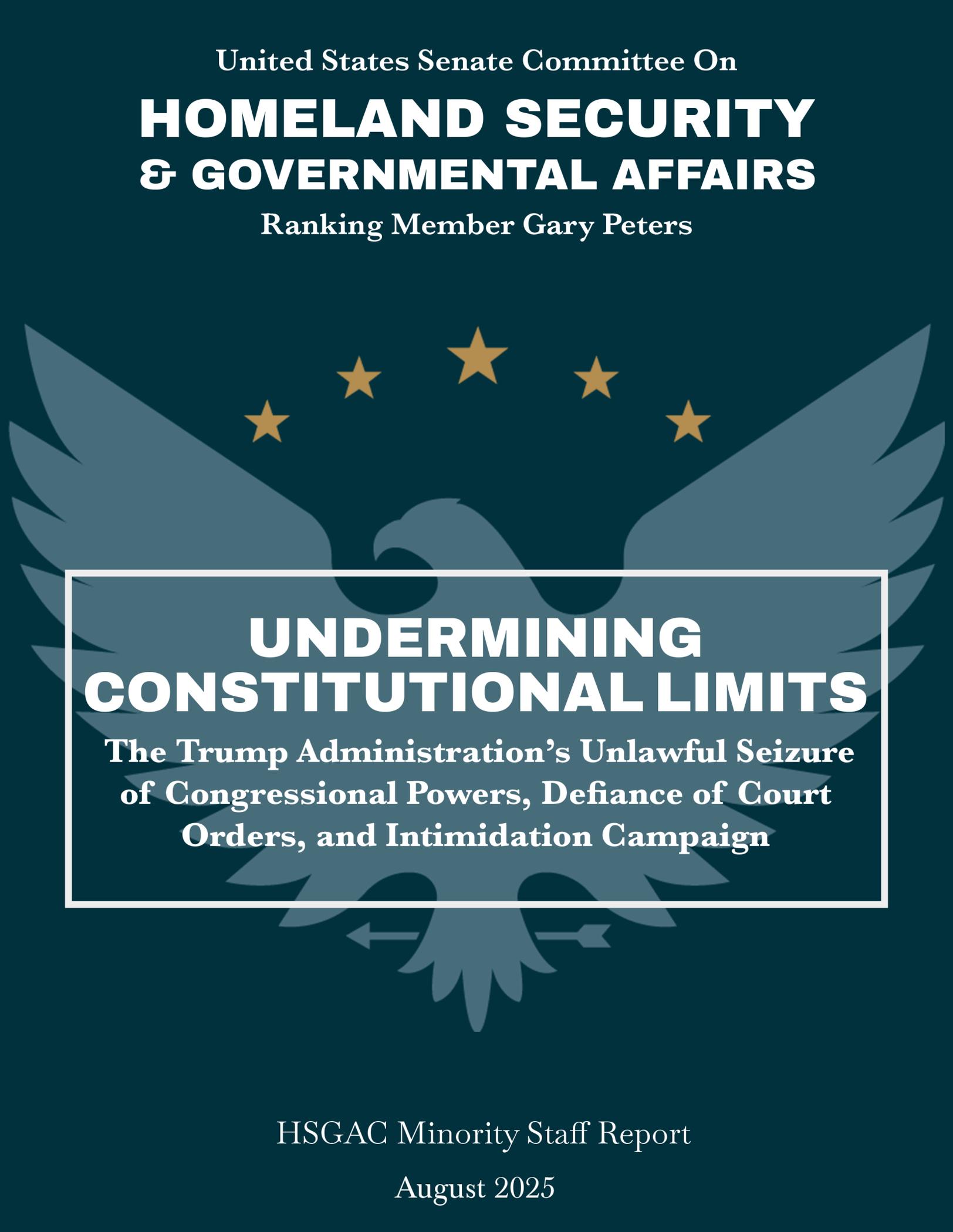


United States Senate Committee On

HOMELAND SECURITY & GOVERNMENTAL AFFAIRS

Ranking Member Gary Peters

A stylized eagle with its wings spread, rendered in a light blue color against a dark blue background. Above the eagle's head are seven gold stars. The eagle's talons are visible at the bottom, holding two arrows.

UNDERMINING CONSTITUTIONAL LIMITS

**The Trump Administration's Unlawful Seizure
of Congressional Powers, Defiance of Court
Orders, and Intimidation Campaign**

HSGAC Minority Staff Report

August 2025

Undermining Constitutional Limits: The Trump Administration’s Unlawful Seizure of Congressional Powers, Defiance of Court Orders, and Intimidation Campaign

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EXECUTIVE SUMMARY

Since taking office, President Trump and his administration have seized key congressional powers, defied federal court orders, and violated Americans' constitutional rights. In numerous lawsuits, judges appointed by presidents of both political parties have issued orders halting, and in some cases ordering the Trump administration to reverse, actions that violate federal laws and our Constitution. However, as detailed in this report, President Trump has increasingly undermined our system of government: disobeying adverse court rulings, ignoring limits to his power, and threatening those who question his actions. Republican majorities in Congress have failed to use their power to check these abuses, further enabling consolidation of power in a single person and weakening our democracy.

The Trump administration has halted federal funding and support for children, families, scientists, and others. It has also fired tens of thousands of federal employees. These actions have and continue to hurt Americans. Some federal employees responsible for critical government services, such as ensuring food safety, monitoring the bird flu outbreak, securing nuclear weapons, and supporting foreign drug inspections, were fired only to be subsequently rehired. Other federal employees responsible for responding to the risks of Ebola outbreaks around the world, however, were simply fired. Critical federal funding has been frozen both intentionally (domestic and foreign aid funding) and inadvertently (Ebola funding).

These actions have also increased U.S. national security risks. The Naval Criminal Investigative Service reportedly assessed with "high confidence" that foreign adversaries are now targeting recently fired federal employees through LinkedIn and other online sources. Mass firings of federal employees have hollowed out key national security and cybersecurity components, such as the Cybersecurity and Infrastructure Security Agency, responsible for identifying security vulnerabilities and investigating the recent China-backed Salt Typhoon hack. After the Trump administration's sweeping funding and personnel cuts to scientific research – stalling critical medical studies and putting our future scientific workforce at risk – China is now bolstering its recruitment efforts, encouraging U.S. scientists to work in its government run or controlled labs as China continues to make targeted investments to fuel innovations in medicine, engineering, and technology.

President Trump's illegal firing of inspectors general has effectively eliminated the conventional means for independent and non-partisan oversight of these actions. President Trump's firing of top federal civilian and military lawyers responsible for providing independent legal advice on military law within the Department of Defense and investigating public corruption within the Department of Justice removed yet another check on adherence to the rule of law and code of ethics. And President Trump's retaliatory actions against former federal officials and law firms further threaten foundational principles in our Constitution. It also creates a culture of fear – seemingly intended – warning lawyers not to engage in cases that conflict with the administration's views or interests.

Reaching far beyond his Presidential powers, President Trump has targeted and retaliated against those who disagree with him. He has directed his administration to investigate former federal officials who questioned him. He has targeted educational institutions and banned press credentials for media outlets he deems critical of his administration. The Trump administration has arrested or detained elected public officials of the opposing political party exercising their constitutionally protected rights to conduct oversight of his administration. It has also arrested students who exercised their First Amendment rights – some arrests occurring by masked law enforcement officers without insignias – who moved people in unmarked vans to detention facilities across the country. These actions are more in line with autocracies than democracies.

President Trump has unlawfully directed the Election Assistance Commission, an independent bipartisan commission established by Congress, to change its voter registration requirements – simultaneously overtaking Congress’s legislative authority, intruding on states’ rights to oversee and ensure free and fair elections, and threatening Americans’ voter protections. As a federal judge made clear, “Our Constitution entrusts Congress and the States—not the President—with the authority to regulate federal elections.” Our Constitution also unequivocally holds, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof,” are citizens of the United States. Yet President Trump has directed his administration to violate that clear constitutional right and not grant citizenship to certain individuals.

In what is now a tipping point, the Trump administration has defied federal court orders in numerous lawsuits. It has continued to freeze and block disbursement of federal funds appropriated by Congress despite court orders to resume the flow of those funds. It has attempted to close or hollow out federal agencies established by Congress, despite court rulings ordering the administration to halt such conduct. It has sent hundreds of noncitizens in the U.S. to foreign prisons without due process and in direct violation of federal court orders. In one instance, President Trump refused for months to comply with court orders, including from the Supreme Court, directing his administration to facilitate the return of one individual it wrongfully deported to El Salvador, claiming it did not have the power to do so, only to bring him back to the U.S. and charge him with a crime. With this backdrop, President Trump has said “the homegrown are next,” suggesting that he is exploring how to send U.S. citizens to foreign prisons, in clear violation of our Constitution.

The Trump administration’s unprecedented actions are reflected in the over 350 lawsuits that have been filed against the administration, alleging separation of powers and constitutional violations, among many other claims. One analysis found that the Trump administration has been accused of defying court orders in approximately one-third of cases filed against the administration, with courts ruling against the administration in nearly half of the lawsuits examined. The administration continues to push the constitutional limitations on its power while attacking judges who issue rulings it does not like, further threatening the rule of law.

What is also unprecedented is the Trump administration's use of the Supreme Court's emergency docket, which has further enabled the administration to press the bounds of its Executive authority. In its first six months, the Trump administration has filed 20 emergency applications with the Supreme Court and the Supreme Court has granted 17 of those applications, often pausing interim federal district court decisions that blocked harmful actions from going into effect with minimal or no written explanation. Since January 2025, nearly two-thirds of the Justice Department staff responsible for defending legal challenges to the administration's policies have reportedly quit.

Diffusion of powers and respect for our democratic institutions are vital to protecting Americans' freedoms. President Trump's unprecedented actions to usurp Congress's Article I powers, disregard the limitations of the Executive's Article II powers, and defy the Judiciary's Article III lawful court orders have brought our country closer to a nondemocratic form of government unaccountable to courts and other institutions. In 2011, Justice Antonin Scalia testified before Congress that what sets the United States apart from other countries is not a Bill of Rights, noting "every banana republic in the world has a Bill of Rights," which is just "words on paper" – no matter how good those words may sound. Justice Scalia concluded, "the real key to the distinctiveness of America is the structure of our government," explaining that what sets the United States apart is a Constitution that prevents the "centralization of power in one person or in one party." Justice Scalia warned, "when that happens, the game is over; the Bill of Rights is just what our framers would call a parchment guarantee."

The Constitution provides Congress with the means necessary to check an administration that is eroding the very principles and institutions that make America great – but only if the majority party in Congress – currently the Republican party – is willing to act.

I. EROSION OF THE SEPARATION OF POWERS

The founders set up three separate branches of government: the legislative, executive, and judicial, with “checks and balances” on each to ensure one branch of government could not exercise unilateral power.¹ Congress serves as the primary constitutional check on the Executive, with its exclusive authorities – to tax, regulate commerce, borrow money, and more – given only to the legislative and not to the executive branch, as well as its powers to investigate and “make all laws which shall be necessary and proper[.]” functioning as essential tools to ensure accountability and prevent executive overreach.² When former President Truman attempted to seize private steel mills in response to the threat of a strike by workers, the Supreme Court found that a President’s power to act “must stem either from an act of Congress or the Constitution itself.”³

Congress has a long history of using its powers to assert its authority in response to executive overreach. In 1883, when Presidents were rewarding supporters and friends with federal jobs, Congress passed the Pendleton Act, which established a merit-based system for hiring federal officials.⁴ In 1966, after concerns with the Johnson administration’s handling of information about the Vietnam War, Congress passed the Freedom of Information Act (FOIA) to make federal records available to the public.⁵ In 1973, following the Watergate scandal, the Senate voted unanimously to establish the “Watergate Committee” to investigate “illegal, improper or unethical activities,” which ultimately led to significant reforms in transparency and

¹ This structure is established in the U.S. Constitution, which separates the federal government into three branches and incorporates a system of checks and balances to prevent any one branch from dominating the others. U.S. Const. arts. I–III. *See, e.g.*, James Madison, *The Federalist Papers: No. 47* (Feb. 1, 1788) (<https://guides.loc.gov/federalist-papers/text-41-50>) (noting “[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny”); James Madison, *The Federalist Papers: No. 51* (Feb. 1, 1788) (<https://guides.loc.gov/federalist-papers/text-51-60>) (explaining that each branch should have “a will of its own” and that “ambition must be made to counteract ambition”).

² *See, e.g.*, U.S. Const. art. I, §§ 1, 8 (vesting “[a]ll legislative Powers” in Congress and authorizing it to “provide for the common Defence [*sic*] and general Welfare of the United States”); U.S. Const. art. I § 8 (“Congress shall have Power To lay and collect Taxes”); U.S. Const. art. I § 8 (“To regulate Commerce with foreign Nations”); U.S. Const. art. I § 8 (“To borrow Money on the credit of the United States”); U.S. Const. art. I, § 8, cl. 18 (“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers”); *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding “the power of inquiry – with process to enforce it – is an essential and appropriate auxiliary to the legislative function”).

³ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952) (noting “[t]here is no statute that expressly authorizes the President to take possession of property as he did here. Nor is there any act of Congress to which our attention has been directed from which such a power can be fairly implied”).

⁴ Pendleton Civil Service Reform Act of 1883, Pub. L. No. 16 (1883); National Archives and Records Administration, *Pendleton Act (1883)* (last reviewed Feb. 8, 2022) (<https://www.archives.gov/milestone-documents/pendleton-act>).

⁵ Association of Centers for the Study of Congress, *The 89th Congress: The Republican Opposition* (<https://acsc.lib.udel.edu/exhibits/show/89th-congress/republican-opposition>) (accessed Aug. 4, 2025); *LBJ accused of hiding Vietnam War's cost, May 18, 1966*, Politico (May 18, 2015) (<https://www.politico.com/story/2015/05/this-day-in-politics-may-18-1966-118030>); House Republican Policy Committee, *Republican Policy Committee Statement on Freedom of Information Legislation S. 1160* (May 18, 1966) (https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0054/4525525.pdf); Freedom of Information Act (FOIA), Pub. L. No. 89-487 (1966).

accountability in government to restore public trust, including the Privacy Act of 1974, the Tax Reform Act of 1976, and the Ethics in Government Act of 1978.⁶

By overriding Congress’s powers and dismantling federal agencies created by Congress, the Trump administration is exceeding its authority and attempting to weaken a Constitutional check on its abuses. Instead of performing its duty to exercise its Constitutional authorities to stop Executive branch overreach – as our founding fathers intended – the current Republican Majority in Congress has decided to cede key Congressional authorities, some by way of inaction and others through its recent vote to rescind federal funding Congress previously authorized and the Trump administration unilaterally and abruptly froze.⁷

A. Usurping Congress’s Spending Powers

Despite clear and long-established constitutional and statutory limits on the Executive Branch, the Trump administration has frozen congressionally mandated funding and spent funds Congress has not appropriated.⁸ Article I grants Congress the power of the purse.⁹ When President Nixon attempted to impound federal funds from the Environmental Protection Agency, the Supreme Court affirmed the appellate court’s ruling that the administration was required to disburse “the full sums authorized to be appropriated” under the laws established by Congress.¹⁰ Congress passed the Impoundment Control Act of 1974, which regulates the Executive Branch’s

⁶ S. Res. 60, 93rd Cong., 1st Sess. (1973); *see, e.g.*, Privacy Act of 1974, Pub. L. No. 93-579; Tax Reform Act of 1976, Pub. L. No. 94-455; Ethics in Government Act of 1978, Pub. L. No. 95-521. As another example, in 1975, after concerns about improper domestic surveillance and inappropriate conduct by intelligence agencies, the Senate established the “Church Committee” to investigate these actions, which resulted in several reforms, including a ten-year limit for the Director of the Federal Bureau of Investigation’s (FBI) term of service and the passage of the Foreign Intelligence Surveillance Act of 1978, which placed guardrails on the use of electronic surveillance for foreign intelligence purposes, including requiring search warrants before conducting such surveillance in the U.S. *See Huge C.I.A. Operation Reported in U.S. Against Antiwar Forces, Other Dissidents in Nixon Years*, New York Times (Dec. 22, 1974) (<https://www.nytimes.com/1974/12/22/archives/huge-cia-operation-reported-in-u-s-against-antiwar-forces-other.html>); S. Res. 21, 94th Cong., 1st Sess. (1975); United States Senate, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (<https://www.senate.gov/about/powers-procedures/investigations/church-committee.htm>) (accessed Aug. 5, 2025); Crime Control Act of 1976, Pub. L. No. 94-503, Sec. 203; Foreign Intelligence Surveillance Act of 1978, Pub. L. No. 95-511.

⁷ Recessions Act of 2025, H.R. 4, 119th Cong. (2025).

⁸ *See, e.g., Elon Musk’s Team Decimates Education Department Arm That Tracks National School Performance*, ProPublica (Feb. 11, 2025) (<https://www.propublica.org/article/department-of-education-institute-education-science-contracts-doge>); *U.S. Foreign Aid Freeze & Dissolution of USAID: Timeline of Events*, KFF (updated July 9, 2025) (<https://www.kff.org/u-s-foreign-aid-freeze-dissolution-of-usaid-timeline-of-events/>); *Science Shattered*, ProPublica (June 12, 2025) (<https://projects.propublica.org/nih-cuts-research-lost-trump/>); *School districts sue Trump administration over \$6 billion funding freeze*, ABC News (July 21, 2025) (<https://abcnews.go.com/Politics/school-districts-sue-trump-administration-6-billion-funding/story?id=123944596>); U.S. Office of Personnel Management, *Original Email to Employees: Deferred Resignation Program* (January 28, 2025) (<https://www.opm.gov/fork/original-email-to-employees/>).

⁹ U.S. Const. art. I, § 1 (“All legislative Powers herein granted shall be vested in a Congress of the United States.”); U.S. Const. art. I, § 9, cl. 7 (“No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.”).

¹⁰ *Train v. City of New York*, 420 U.S. 35, 40 (1975).

ability to weigh in on federal funding decisions under certain circumstances.¹¹ When the Executive began spending funds that Congress did not appropriate, Congress passed the Antideficiency Act, prohibiting federal departments and agencies from spending funds beyond what Congress appropriated or from entering into any contracts or obligations for the future payment of money in excess of appropriations.¹²

Starting on January 20, 2025, however, President Trump directed a series of actions, largely through Executive Orders, that illegally halted or seized funding.

- On January 20, President Trump directed federal departments and agencies to “immediately pause” certain federal funding appropriated by Congress, which included funding for foreign assistance and funding appropriated through the Inflation Reduction Act and the Infrastructure Investment and Jobs Act.¹³
- Over the following months, President Trump’s directives resulted in actions to terminate “over 90% of USAID awards and 60% of [State Department foreign-assistance awards.]”¹⁴
- Also on January 20, President Trump established the Department of Government Efficiency (DOGE) within the Executive Office of the President through another Executive Order.¹⁵ DOGE reportedly cancelled approximately \$420 million of “current/impending contracts” across the government within the first 80 hours of President Trump taking office.¹⁶ It also “accidentally canceled” funding for Ebola prevention, which DOGE claims to have restored, though others disagree.¹⁷
- On January 27, the Acting Office of Management and Budget (OMB) Director issued a memorandum requiring federal agencies to “identify and review all Federal financial assistance programs” to ensure they are consistent with the President’s policies/Executive Orders and “**temporarily pause** all activities related to obligation

¹¹ Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344.

¹² Antideficiency Act, Pub. L. No. 97-258 (1982) (originally enacted in 1870, 16 Stat. 251); *see also* Government Accountability Office, *Antideficiency Act* (accessed Aug. 4, 2025) (<https://www.gao.gov/legal/appropriations-law/resources>).

¹³ *See* Exec. Order No. 14169, 90 Fed. Reg. 8619 (Jan. 20, 2025); Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 20, 2025); *See* Memorandum from Acting Director, Office of Management and Budget (OMB) to the Heads of Departments and Agencies, Guidance Regarding Section 7 of the Executive Order Unleashing American Energy (M-25-11) (Jan. 21, 2025). In implementing this Executive Order, the administration froze critical federal funding programs, including Medicaid, the Children’s Health Insurance Program (CHIP), and Head Start, as well as federal funding for educational institutions, scientific research, law enforcement, public safety, and critical infrastructure around the country. *See, e.g.,* Complaint (Jan. 31, 2025), *State of New York, et al., v. Trump et al.*, D.R.I. (No. 25-cv-39).

¹⁴ Plaintiff’s Reply in Support of Plaintiff’s Motion for Preliminary Relief (Feb. 27, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400).

¹⁵ Exec. Order 14158, 90 Fed. Reg. 4561 (Jan. 20, 2025).

¹⁶ Department of Government Efficiency, X post (Jan. 29, 2025, 1:46 p.m.) (<https://x.com/DOGE/status/188286248726114500>).

¹⁷ *Musk says DOGE ‘restored’ Ebola prevention effort. Officials say that’s not true*, Washington Post (Feb. 27, 2025) (<https://www.washingtonpost.com/politics/2025/02/26/elon-musk-ebola-prevention-usaid-doge/>).

or disbursement of all Federal financial assistance.”¹⁸ After a federal judge temporarily blocked OMB from implementing this order on January 28, OMB rescinded its directive on January 29 but explained through a post from the White House Press Secretary on X, “This is NOT a rescission of the federal funding freeze. It is simply a rescission of the OMB memo.”¹⁹ On February 2, Elon Musk posted on X, “The @DOGE team is rapidly shutting down these illegal payments[.]”²⁰

As a result of the administration’s actions, Americans have started to experience harmful effects from sweeping freezes on foreign and domestic funds. Over 20 lawsuits have been filed alleging several claims, including violations of Congress’s spending powers.²¹ Below are some examples.

Community health centers provide critical care to over 32 million Americans, nearly a quarter of whom live in rural areas; in at least 10 states, these centers reportedly found themselves unable to access funding, disrupting and delaying essential health services.²² Beginning on March 24, the Trump administration cancelled \$11 billion in federal public health funding, which provided “essential support” to states for “urgent public health needs[,]” including infectious disease tracking, access to vaccines, emergency preparedness, mental health services, and modernizing critical public health infrastructure.²³ According to Michigan Attorney General Dana Nessel, the Trump administration’s termination of over \$370 million in funding to Michigan’s Department of Health and Human Services (MDHHS) for mental health services, substance use disorder services, immunization services, and infectious disease response, “will cause harm not just to MDHHS as the State’s public health agency, but to all 45 of Michigan’s local health departments, 46 community mental health service programs, and

¹⁸ Memorandum from Acting Director, OMB, to Heads of Executive Departments and Agencies on Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs (M-25-13) (Jan. 27, 2025) (emphasis in original).

¹⁹ Order (January 28, 2025), *National Council of Nonprofits, et al., v. OMB, et al.*, D.D.C. (No. 25-cv-239) (ordering an administrative stay until 5:00 p.m. on February 3, 2025); Karoline Leavitt, X post (Jan. 29, 2025, 1:40 p.m.) (<https://x.com/PressSec/status/1884672871944901034>).

²⁰ Elon Musk, X post (Feb. 2, 2025, 3:14 a.m.) (<https://x.com/elonmusk/status/1885964969335808217>).

²¹ See, e.g., Complaint (Jan. 28, 2025), *State of New York, et al. v. Donald Trump, et al.*, D.R.I. (No. 25-cv-39); Complaint (Feb. 10, 2025), *AIDS Vaccine Advocacy Coalition v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400); Complaint (Mar. 13, 2025), *Butterbee Farm, et al., v. USDA, et al.*, D.D.C. (No. 25-cv-737); Complaint (Apr. 1, 2025), *State of Colorado v. U.S. Department of Health and Human Services*, D.R.I. (No. 25-cv-121); Complaint (Apr. 4, 2025), *Commonwealth of Massachusetts v. Robert F. Kennedy, Jr., et al.*, D. Mass. (No. 25-cv-10814); Complaint (Apr. 24, 2025), *Harris County, TX, et al., v. Robert F. Kennedy, Jr., et al.*, D.D.C. (No. 25-cv-1275); Complaint (May 7, 2025), *State of Washington, et al., v. U.S. Department of Transportation*, W.D. Wa. (No. 25-cv-848); Complaint (June 24, 2025), *State of New Jersey, et al., v. OMB, et al.*, D. Mass. (No. 25-cv-11816); Complaint (July 14, 2025), *State of California, et al., v. McMahon*, D.R.I. (No. 25-cv-329).

²² See, e.g., *Community health centers face funding delays after Trump administration freeze*, PBS News (Feb. 7, 2025) (<https://www.pbs.org/newshour/nation/community-health-centers-face-funding-delays-after-trump-administration-freeze>); *Virginia community health centers close over federal funding access*, VPM (Feb. 4, 2025) (<https://www.vpm.org/news/2025-02-04/virginia-community-health-centers-close-federal-funding-grant-access>); see also Complaint (Jan. 28, 2025), *State of New York, et al. v. Donald Trump, et al.*, D.R.I. (No. 25-cv-39).

²³ Complaint (Apr. 1, 2025), *State of Colorado v. U.S. Department of Health and Human Services*, D.R.I. (No. 25-cv-121).

community-based organizations that collectively play a large role in providing direct health and public health services to Michigan residents.”²⁴ In an April 5 ruling, a federal judge issued a temporary restraining order directing the Trump Administration to “immediately cease withholding any funds based on the Public Health Terminations” and to process all related payments.²⁵ The following month, on May 16, the court issued a preliminary injunction directing the Trump administration to rescind any funding terminations related to its decision to freeze public health funding for the Plaintiffs.²⁶

In another case filed by cities in Texas, Ohio, and Tennessee, plaintiffs raised significant concerns regarding their ability to prepare for potential pandemics and respond to infectious disease outbreaks because of the administration’s unilateral cancellation of Congressionally appropriated public health funding.²⁷ In this case, a federal judge also issued a preliminary injunction barring the administration from enforcing these public health funding freezes.²⁸ In a June 17 opinion, the court found that the administration’s cancellations would “make it harder for [] plaintiffs to investigate, monitor, and respond to public-health threats.” Noting,

- Harris County, Texas was “forced to cancel its wastewater surveillance program for disease detection[;]”
- Kansas City, Missouri “cannot presently afford to purchase” lab equipment needed to test for COVID-19, influenza, measles, and other diseases;
- Columbus, Ohio’s Department of Public Health “had to lay off 11 public-health employees ‘charged with infectious disease tracing, investigations, and community response coordination’ who were ‘preparing to investigate and address the current measles outbreak in Ohio’ when the grants were terminated.” Columbus Public Health department reported it “is operating at about twenty-five percent capacity for [its] disease tracing and investigation work.”²⁹

Both cases remain pending.

²⁴ Michigan Department of Attorney General: *Attorney General Nessel Sues Federal HHS, Sec. Kennedy to Overturn more than \$370 Million in Public Health Grant Cuts in Michigan* (Apr. 1, 2025).

²⁵ Temporary Restraining Order (Apr. 5, 2025), *State of Colorado v. U.S. Department of Health and Human Services*, D.R.I. (No. 25-cv-121).

²⁶ Memorandum and Order (May 16, 2025), *State of Colorado v. U.S. Department of Health and Human Services*, D.R.I. (No. 25-cv-121).

²⁷ Complaint (Apr. 24, 2025), *Harris County, TX, et al., v. Robert F. Kennedy, Jr., et al.*, D.D.C. (No. 25-cv-1275) (alleging the Administration terminated critical funding for pandemic preparedness, including infectious disease surveillance programs, data modernization, and community health worker training).

²⁸ Order (June 17, 2025), *Harris County, TX, et al., v. Robert F. Kennedy, Jr., et al.*, D.D.C. (No. 25-cv-1275) (granting plaintiff’s motion for a preliminary injunction in part and enjoining defendants from “enforcing or otherwise giving effect to the March 2025 terminations of any grants issued directly or indirectly to plaintiffs Harris County, Texas; Columbus, Ohio; Davidson County and Nashville, Tennessee; and Kansas City, Missouri”).

²⁹ Memorandum Opinion (June 17, 2025), *Harris County, TX, et al., v. Robert F. Kennedy, Jr., et al.*, D.D.C. (No. 25-cv-1275).

The administration's funding pauses have also prevented states from providing critical disaster, mitigation, and preparedness assistance to their residents. Despite multiple court orders directing the administration to unfreeze certain funds in *State of New York v. Trump* (discussed in Section II), over 200 FEMA grants impacting more than thirty FEMA programs for at least 19 states remain frozen or inaccessible as of March 2025.³⁰ The status of these funds remains unclear and the administration has not been transparent regarding its funding freezes for these programs.³¹ Some of the programs that have reportedly been impacted include Flood Mitigation Assistance, the Hazard Mitigation Grant Program, the National Earthquake Hazards Reduction Program, the Port Security Grant Program, and the Regional Catastrophic Preparedness Grant Program, among many others.³²

FEMA's Building Resilient Infrastructure and Communities (BRIC) program to support states' pre-disaster mitigation efforts has also been affected.³³ In April, FEMA issued a press release stating it was "ending" the BRIC program.³⁴ On July 16, twenty states sued the Trump administration, alleging its termination of the BRIC program – and subsequent funding freezes – violated the separation of powers, the spending clause, among other violations. According to the states,

Communities across the country are being forced to delay, scale back, or cancel hundreds of mitigation projects depending on this funding. Projects that have been in development for years, and in which communities have invested millions of dollars for planning, permitting, and environmental review are now threatened. And in the meantime, Americans across the country face a higher risk of harm from natural disasters.³⁵

Despite several states not being able to access previously allocated funding through FEMA's BRIC program, as described in Plaintiffs' complaint, and despite FEMA's previous announcement in April that it had ended the BRIC program, FEMA is now asserting that it has not actually "ended the BRIC program, contrary to publicity otherwise" but it is "continu[ing] to

³⁰ Plaintiff's Response to Defendants' Status Report (Mar. 17, 2025), *State of New York, et al. v. Trump, et al.*, D.R.I. (No. 25-cv-39) (noting the number of frozen FEMA grants "has increased").

³¹ 'A more vulnerable nation': FEMA memos lay out risks of plan to cut \$1B in disaster and security grants, CNN (July 25, 2025) (www.cnn.com/2025/07/25/politics/fema-propose-cuts-disaster-security-grants); FEMA, *FEMA Ends Wasteful, Politicized Grant Program, Returning Agency to Core Mission of Helping Americans Recovering from Natural Disasters* (April 4, 2025) ([web.archive.org/web/20250405002751/https://www.fema.gov/press-release/20250404/fema-ends-wasteful-politicized-grant-program-returning-agency-core-mission](https://www.fema.gov/press-release/20250404/fema-ends-wasteful-politicized-grant-program-returning-agency-core-mission)); Updated Declaration of David Richardson (July 30, 2025), *State of Washington, et al. v. FEMA, et al.*, D. Mass. (No. 25-cv-12006).

³² Plaintiff's Response to Defendants' Status Report (Mar. 17, 2025), *State of New York, et al., v. Trump, et al.*, D.R.I. (No. 25-cv-39).

³³ Complaint (July 16, 2025), *State of Washington, et al., v. FEMA, et al.*, D. Mass. (No. 25-cv-12006).

³⁴ FEMA, *FEMA Ends Wasteful, Politicized Grant Program, Returning Agency to Core Mission of Helping Americans Recovering from Natural Disasters* (Apr. 4, 2025) ([web.archive.org/web/20250405002751/https://www.fema.gov/press-release/20250404/fema-ends-wasteful-politicized-grant-program-returning-agency-core-mission](https://www.fema.gov/press-release/20250404/fema-ends-wasteful-politicized-grant-program-returning-agency-core-mission)).

³⁵ Complaint (July 16, 2025), *State of Washington, et al., v. FEMA, et al.*, D. Mass. (No. 25-cv-12006).

evaluate whether to end the BRIC program or revise it in a manner to achieve its original purpose.”³⁶ Below are some examples of how the administration’s termination of BRIC program funding is impacting local communities across the country.³⁷

- Colorado was set to implement a project through the BRIC program to connect two water treatment plants to increase “flexibility in water management” and ensure “the system can respond effectively to the hazards of wildfire, drought, and cyberattack.”
- Michigan planned to receive BRIC funding for 27 projects, including funding to improve flood reduction and stormwater infrastructure in Detroit.³⁸
- North Carolina was set to receive BRIC funding to improve safe water supply access during storms to certain areas by relocating a pump station that provides drinking water to over 50,000 residents. Currently, the pump station experiences “multi-day shutdowns” due to “flooding and hazardous conditions[.]” The City of Salisbury “invested over \$3 million in engineering fees alone for the project” but the project’s future is now uncertain after FEMA cancelled its BRIC funding.
- Pennsylvania “had 47 [BRIC] projects” that have now been terminated. These projects would have improved flood barriers and water delivery services.

On August 5, a federal judge granted a preliminary injunction, prohibiting the Trump administration from “spending the funds allocated to BRIC for non-BRIC purposes[.]”³⁹

The Trump administration has also abruptly cancelled federal funding for critical scientific research, resulting in the termination of thousands of grants at the National Institutes of Health aimed to prevent life threatening and debilitating diseases, such as Alzheimer’s disease, HIV, and cancer.⁴⁰ It has also reportedly terminated over 1,700 research grants at the National

³⁶ Updated Declaration of David Richardson (July 30, 2025), *State of Washington, et al. v. FEMA, et al.*, D. Mass. (No. 25-cv-12006).

³⁷ Complaint (July 16, 2025), *State of Washington, et al., v. FEMA, et al.*, D. Mass. (No. 25-cv-12006); FEMA, *Disaster Relief Fund: Monthly Report as of May 31, 2025* (June 24, 2025) (<https://fema.maps.arcgis.com/apps/dashboards/8812b5926abd408cbb340b2159b98732>).

³⁸ FEMA, Building Resilient Infrastructure and Communities and Flood Mitigation Assistance Obligations Dashboard (<https://www.arcgis.com/apps/dashboards/8812b5926abd408cbb340b2159b98732>) (accessed Aug. 5, 2025).

³⁹ Memorandum and Order on Plaintiffs’ Motion for a Preliminary Injunction (Aug. 5, 2025), *State of Washington, et al., v. FEMA, et al.*, D. Mass. (No. 25-cv-12006).

⁴⁰ See, e.g., *NIH Chief Stands by Funding Cuts to ‘Politicized Science’ at Tense Hearing*, Nature (June 11, 2025) (<https://www.nature.com/articles/d41586-025-01827-0>); *Science Shattered*, ProPublica (June 12, 2025) (<https://projects.propublica.org/nih-cuts-research-lost-trump/>); *NIH Budget Cuts Threaten the Future of Medical Research and Young Scientists*, Los Angeles Times (July 6, 2025) (<https://www.latimes.com/science/story/2025-07-06/nih-budget-cuts-threaten-the-future-of-medical-research-and-young-scientists>); *NIH Budget Cuts Threaten the Future of Medical Research and Young Scientists*, Los Angeles Times (July 6, 2025) (<https://www.latimes.com/science/story/2025-07-06/nih-budget-cuts-threaten-the-future-of-medical-research-and-young-scientists>).

Science Foundation, including efforts to support science, technology, engineering, and mathematics (STEM), clean energy, and artificial intelligence (AI) literacy.⁴¹

In early July, the administration abruptly froze over \$6 billion in education funding that had been appropriated by Congress to support afterschool programs, adult education systems, teacher training, and other critical services.⁴² On July 14, twenty-four states and the District of Columbia sued the Trump administration alleging, among other violations, that the administration's actions usurp Congress's legislative authority and violate the separation of powers.⁴³ Only after 10 Republican senators sent a letter to OMB asking it to "faithfully implement" Congressionally authorized funding, the Trump administration subsequently announced it would lift its freeze on the funds.⁴⁴ Notably, other funding freezes appear to remain in effect.⁴⁵

The administration's sudden freeze of congressionally appropriated funds has also directly harmed U.S. health and national security interests.⁴⁶ When the Trump administration paused foreign assistance funding, a federal judge found the administration's freeze would result in "irreparable harm," including the disruption of critical health programs, delays in time-sensitive antimalaria initiatives, and the inability to fund shelters for minors in Central America

⁴¹ See, e.g., *Trump illegally froze 1,800 NIH medical research grants, Congress' watchdog says*, Government Executive (Aug. 7, 2025) (<https://www.govexec.com/oversight/2025/08/trump-illegally-froze-1800-nih-medical-research-grants-congress-watchdog-says/407296/>); *National Science Foundation Terminates Hundreds of Active Research Awards*, New York Times (Apr. 22, 2025) (<https://www.nytimes.com/2025/04/22/science/trump-national-science-foundation-grants.html>); *Trump science cuts target bird feeder research, AI literacy work and more*, AP News (Apr. 24, 2025) (<https://apnews.com/article/nsf-cuts-science-funding-dei-trump-misinformation-ai-e989c978f273fb1a94c2e47b78843d64>); *Trump Has Cut Science Funding to Its Lowest Level in Decades*, New York Times (May 22, 2025) (<https://www.nytimes.com/interactive/2025/05/22/upshot/nsf-grants-trump-cuts.html>); Consortium of Social Science Associations, *NSF Releases List of Terminated Grants* (May 27, 2025) (<https://cossa.org/nsf-releases-list-of-terminated-grants>); Just Security, *The Trump Administration's Multi-Front Assault on Federal Research Funding* (July 9, 2025) (<https://www.justsecurity.org/116486/trump-assault-federal-research-funding/>).

⁴² *Trump administration pauses \$6B in education programs ahead of school year*, ABC News (July 2, 2025) (<https://abcnews.go.com/US/trump-administration-pauses-6b-education-programs-ahead-school/story?id=123403964>); Complaint (July 14, 2025), *State of California, et al., v. McMahon, et al.*, D.R.I. (25-cv-329).

⁴³ Complaint (July 14, 2025), *State of California, et al., v. McMahon, et al.*, D.R.I. (25-cv-329).

⁴⁴ Letter from Senators Capito, Collins, Boozman, Britt, Fischer, Hoeven, Justice, McConnell, Murkowski, and Rounds to Director Vought, Office of Management and Budget (July 16, 2025); *Trump administration releasing \$6 billion in education funding it withheld*, ABC News (July 25, 2025) (<https://abcnews.go.com/Politics/trump-administration-releasing-6-billion-education-funding/story?id=124079177>).

⁴⁵ See, e.g., *State of New York, et al. v. Trump, et al.*, D.R.I. (No. 25-cv-39).

⁴⁶ See, e.g., *The Trump Administration's Foreign Aid Review: Status of Global Health Security/Pandemic Preparedness*, KFF (July 23, 2025) (<https://www.kff.org/global-health-policy/fact-sheet/the-trump-administrations-foreign-aid-review-status-of-global-health-security-pandemic-preparedness/>); Duke Global Health Institute, *Experts Discuss Impact of U.S. Foreign Aid Freeze* (Feb. 6, 2025) (<https://globalhealth.duke.edu/news/experts-discuss-impact-us-foreign-aid-freeze>); Just Security, *The Disastrous Costs of the Foreign Aid Freeze on US Interests in the Middle East and North Africa* (Feb. 14, 2025) (<https://www.justsecurity.org/107929/us-foreign-aid-freeze-middle-east-north-africa/>).

who are trying to escape recruitment into criminal gangs.⁴⁷ The Trump administration appealed the district court’s ruling, which found that the government unlawfully impounded Congressionally approved foreign aid funds and directed the administration to lift its freeze on these funds.⁴⁸ On August 13, in a 2-1 ruling, the D.C. Circuit found that Plaintiffs “lack[ed] a cause of action” and therefore the court “need not address on the merits whether the government violated the Constitution by infringing on the Congress’s spending power[.]”⁴⁹ In her dissenting opinion, Judge Pan wrote,

In 2013, when a government agency ‘simply def[ie]d a law enacted by Congress . . . without any legal basis,’ we recognized that the case had ‘serious implications for our constitutional structure,’ and granted a mandamus petition to compel the Executive’s compliance. Today, a President defies laws enacted by Congress without any legal basis, and the court holds that he has merely violated a statute, that the Constitution is not even implicated, and that there is no judicially enforceable cause of action to challenge his conduct. By failing to rein in a President who ran roughshod over clear statutory mandates, the court ‘evade[s] [its] constitutional responsibility to delineate the obligations and powers of each branch’ of our government.⁵⁰

In multiple cases, courts have entered orders temporarily prohibiting the government from freezing congressionally mandated funding.⁵¹ As one federal judge put it, “[t]he Executive’s categorical freeze of appropriated and obligated funds fundamentally undermines the distinct constitutional roles of each branch of our government.”⁵² Another federal judge found,

⁴⁷ Memorandum Opinion and Order (Mar. 10, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400).

⁴⁸ Defendants’ Notice of Appeal (Apr. 1, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

⁴⁹ Opinion (Aug. 13, 2025), *Global Health Council, et al., v. Trump, et al.*, D.C. Cir. (No. 25-5097) (consolidated with No. 25-5098) (finding Plaintiffs “may not bring a freestanding constitutional claim if the underlying alleged violation and claimed authority are statutory” and could not bring an Administrative Procedure Act claim to enforce the Impoundment Control Act (ICA) as the “Comptroller General may bring suit as authorized by the ICA”).

⁵⁰ Opinion (Aug. 13, 2025), *Global Health Council, et al., v. Trump, et al.*, D.C. Cir. (No. 25-5097) (internal citations omitted).

⁵¹ See, e.g., *National Council of Nonprofits v. Office of Management and Budget*, D.D.C., (No. 25-cv-239); *State of New York, et al., v. Trump, et al.*, D.R.I. (No. 25-cv-39); *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State*, D.D.C. (No. 25-cv-400); *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-402); *Commonwealth of Massachusetts, et al., v. National Institutes of Health, et al.*, D. Mass. (No. 25-cv-10338); *State of California, et al., v. U.S. Department of Transportation*, D.R.I. (No. 25-cv-208); *State of Colorado v. U.S. Department of Health and Human Services*, D.R.I. (No. 25-cv-121).

⁵² Memorandum and Order (Mar. 6, 2025), *State of New York, et al. v. Trump, et al.*, D.R.I. (No. 25-cv-39). The Trump administration appealed this ruling and the Court of Appeals for the First Circuit denied the administration’s request to stay the preliminary injunction pending appeal. Opinion (Mar. 26, 2025), *State of New York, et al. v. Trump, et al.*, 1st Cir. (No. 25-1236).

“[a]gencies do not have unlimited authority to further a President’s agenda, nor do they have unfettered power to hamstring in perpetuity two statutes passed by Congress during the previous administration.”⁵³

Republicans in Congress have since used their Majority to retroactively sanction some of the cuts made by the Trump administration by voting to rescind \$9 billion in federal funding previously authorized by Congress.⁵⁴ States and others impacted by these funding cuts continue to file lawsuits against the administration.⁵⁵

B. Dismantling Federal Agencies Established by Congress

The Trump administration has shuttered several agencies established in statute by Congress. Article I in the Constitution grants Congress the power to authorize federal agencies and programs.⁵⁶ Congress has not given the administration, or any federal department or agency, the power to shutter entire agencies. Despite this, the Trump administration has attempted to dismantle, and in some cases fully torn apart multiple federal agencies. Below are some examples.

U.S. Agency for International Development (USAID): Congress established USAID as a federal agency within the Executive Branch.⁵⁷ Over the course of a month, the Trump administration, led by DOGE, effectively dismantled the entire agency. On January 20, President Trump issued an Executive Order, *Reevaluating and Realigning United States Foreign Aid*, directing federal departments and agencies responsible for foreign development assistance programs to “immediately pause new obligations and disbursements of development assistance funds to foreign countries[.]”⁵⁸

By early February, DOGE reportedly placed nearly all USAID employees on administrative leave, locked senior USAID employees out of internal systems, and took down

⁵³ Memorandum and Order (Apr. 15, 2025), *Woonasquatucket River Watershed Council, et al., v. U.S. Department of Agriculture, et al.*, D.R.I. (No. 25-cv-97).

⁵⁴ H.R. 4, 119th Cong. (2025).

⁵⁵ See, e.g., Complaint (June 30, 2025), *Launch Alaska v. U.S. Department of Navy, Office of Naval Research*, D. Ala. (No. 25-cv-141); Complaint (June 25, 2025), *Appalachian Voices, et al, v. Environmental Protection Agency, et al.*, D.D.C. (No. 25-cv-1982); Complaint (June 24, 2025), *National Fair Housing Alliance, et al., v. U.S. Department of Housing and Urban Development, et al.*, D.D.C. (No. 25-cv-1965).

⁵⁶ U.S. Const. art. I, § 1 (vesting all legislative powers in Congress); see also Congressional Research Service, *Executive Branch Reorganization* (R44909) (Aug. 3, 2017) (noting Congress previously “delegated authority to the President that allowed him to develop plans for reorganization of portions of the federal government and to present those plans to Congress for consideration under special expedited procedures[.]” however, that authority expired in 1984).

⁵⁷ Exec. Order 10973, 26 Fed. Reg. 10469 (Nov. 7, 1961); Foreign Assistance Act of 1961, Pub. L. No. 87-195 (1961); Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277 (designating USAID as an independent establishment under 5 U.S.C. § 104); see also 22 U.S.C. § 6563.

⁵⁸ Exec. Order No. 14169, 90 Fed. Reg. 8619 (Jan. 20, 2025).

the USAID.gov website.⁵⁹ When the USAID Director and Deputy Director of Security prohibited DOGE affiliates from accessing classified information, Elon Musk, then head of DOGE, demanded access, reportedly threatening to call the U.S. Marshals Service and resulting in the senior officials being subsequently placed on administrative leave.⁶⁰ Between February 2 and 3, Mr. Musk announced, “[w]e spent the weekend feeding USAID into the wood chipper” noting the President “agreed [DOGE] should shut [USAID] down” and without any evidence or support, stated “USAID is a criminal organization[,]” and it was “time for [USAID] die.”⁶¹ On February 19, President Trump announced, “over the past month, we have effectively eliminated the U.S. Agency for International Development.”⁶²

In a lawsuit filed by 26 current and former USAID employees under the name J. Doe out of fear for retaliation and their safety, a federal judge found that DOGE’s “present actions to dismantle USAID violate the Separation of Powers because they contravene congressional authority relating to the establishment of an agency.”⁶³ The court noted, “USAID appears to be unable to perform its core functions and even certain basic functions of a governmental agency[,]” such as processing payments for completed work because payment systems are inaccessible and staffing in some bureaus has been reduced to the point where “there are no personnel with credentials” to “prepare and review documents” to initiate payments.⁶⁴ The

⁵⁹ *Behind DOGE’s Standoff at USAID: Desk Searches and Elon Musk Calling*, Bloomberg News (Feb. 2, 2025) (www.bloomberg.com/news/articles/2025-02-03/behind-doge-s-standoff-at-usaid-desk-searches-and-elon-musk-calling); *Turmoil inside USAID as Musk calls the agency ‘criminal’ and says it ‘has to die’*, ABC News (Feb. 3, 2025) (abcnews.go.com/Politics/turmoil-inside-usaid-doge-reps-offices-senior-officials/story?id=118368900); *Almost all USAID workers across the globe placed on leave as Trump moves to gut agency*, USA Today (Feb. 4, 2025) (www.usatoday.com/story/news/politics/2025/02/04/almost-all-usaid-employees-globally-placed-on-administrative-leave/78228206007/); USAID, Notification of Administrative Leave (<https://www.usaid.gov/>) (accessed Aug. 5, 2025) (stating “As of 11:59 p.m. EST on Sunday, February 23, 2025, all USAID direct hire personnel, with the exception of designated personnel responsible for mission-critical functions, core leadership and/or specially designated programs, will be placed on administrative leave globally”).

⁶⁰ Memorandum Opinion (March 18, 2025) *J. Does 1-26 v. Musk*, D. Md. (No. 25-cv-462).

⁶¹ Elon Musk, X post (Feb. 3, 2025, 1:54 a.m.) (<https://x.com/elonmusk/status/1886307316804263979>); *Turmoil inside USAID as Musk calls the agency ‘criminal’ and says it ‘has to die’*, ABC News (Feb. 3, 2025) (<https://abcnews.go.com/Politics/turmoil-inside-usaid-doge-reps-offices-senior-officials/story?id=118368900>); *Elon Musk said Donald Trump agreed USAID needs to be ‘shut down’*, CNN (Feb. 3, 2025) (<https://www.cnn.com/2025/02/02/politics/usaid-officials-leave-musk-doge>); Elon Musk, X post (Feb. 2, 2025, 12:20 p.m.) (<https://x.com/elonmusk/status/1886102414194835755?lang=en>).

⁶² White House, Remarks by President Trump at Future Investment Initiative Priority Summit (Feb. 19, 2025) (<https://web.archive.org/web/20250221062413/https://www.whitehouse.gov/remarks/2025/02/press-gaggle-by-president-trump-at-future-investment-initiative-institute-priority-summit/>).

⁶³ Memorandum Opinion (Mar. 18, 2025), *J. Does 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462) (noting “[w]here Congress has prescribed the existence of USAID in statute pursuant to its legislative powers under Article I, the President’s Article II power to take care that the laws are faithfully executed does not provide authority for the unilateral, drastic actions taken to dismantle the agency”); *see also* Plaintiffs’ Motion to Proceed Under Pseudonyms (Feb. 12, 2025), *J. Does 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462) (requesting to use pseudonyms because “Plaintiffs are scared of threats to their physical safety, third-party harassment, irreparable damage to their reputations and retaliation from Defendants”).

⁶⁴ Memorandum Opinion (Mar. 18, 2025), *J. Does 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462).

Trump administration has appealed this decision and the Fourth Circuit Court of Appeals stayed the district court’s ruling pending appeal.⁶⁵ Other related litigation remains pending.⁶⁶

In a February 10 report, the USAID Inspector General found that “widespread staffing reductions across the Agency, particularly within [the Bureau for Humanitarian Assistance], coupled with uncertainty about the scope of foreign assistance waivers and permissible communications with implementers, has degraded USAID’s ability to distribute and safeguard taxpayer-funded humanitarian assistance.”⁶⁷ Following the release of this report, President Trump fired the USAID Inspector General (discussed in subsection C below).⁶⁸

On July 1, the State Department announced that “USAID will officially cease to implement foreign assistance” and “[f]oreign assistance programs that align with administration policies—and which advance American interests—will be administrated by the State Department[.]”⁶⁹ A study examined the impact of USAID’s dismantling based on two decades of prior data and estimates that “ongoing deep funding cuts—combined with the potential dismantling of the agency—could result in more than 14 million additional deaths by 2030, including 4-5 million deaths among children younger than 5 years.”⁷⁰ Recent reports also indicate that the State Department has approved plans to destroy “approximately 500 tons of taxpayer-funded emergency food resources,” which could feed approximately 1.5 million children for a week.⁷¹ In response, the State Department said, “if something is expired, we’ll –

⁶⁵ Order (Mar. 28, 2025), *J. Does 1-26 v. Musk and DOGE*, 4th Cir. (No. 25-1273).

⁶⁶ See, e.g., Memorandum Opinion (July 25, 2025), *American Foreign Service Association et al., v. Trump, et al.*, D.D.C. (No. 25-cv-352) and *Personal Services Contractor Association v. Trump, et al.*, D.D.C. (No. 25-cv-469) (holding that Oxfam lacks standing, that the court lacks jurisdiction over the claims of American Foreign Services Association (AFSA), American Federation of Government Employees (AFGE), and likely lacks jurisdiction over the claims of Personal Services Contractor Association (PSCA) while dismissing the suit filed by AFSA, AFGE, and Oxfam and denying the motion for preliminary injunction filed by PSCA). In these cases, the district court found that the “termination of employees via a [Reduction in Force] and related changes to employee working conditions” should be challenged through other avenues, such as the Merit Systems Protection Board (MSPB). *Id.* However, the MSPB currently lacks a quorum after President Trump fired one of the MSPB board members. See *MSPB Loses Quorum as Disputes over Probationary Employee Firings Continue*, Fedweek (Mar. 31, 2025) (<https://www.fedweek.com/fedweek/mspb-loses-quorum-as-disputes-over-probationary-employee-firings-continue/>).

⁶⁷ U.S. Agency for International Development, Office of Inspector General, *Oversight of USAID-Funded Humanitarian Assistance Programming Impacted by Staffing Reductions and Pause on Foreign Assistance* (Feb. 10, 2025).

⁶⁸ *White House fires USAID inspector general after warning about funding oversight, officials say*, AP News (Feb. 11, 2025) (<https://apnews.com/article/usa-id-american-companies-layoffs-lawsuit-8c116d877c179169fbce2d3348fcd997>).

⁶⁹ U.S. Secretary of State Marco Rubio, *Making Foreign Aid Great Again*, U.S. Department of State (July 1, 2025) (<https://statedept.substack.com/p/making-foreign-aid-great-again>).

⁷⁰ Daniella Medeiros Cavalcanti, PhD *et al.*, *Evaluating the impact of two decades of USAID interventions and projecting the effects of defunding on mortality up to 2030: a retrospective impact evaluation and forecasting analysis*, *The Lancet* (July 19, 2025) (finding USAID-funded programs from the past two decades have helped prevent “more than 91 million deaths globally, including 30 million deaths among children”).

⁷¹ *State Department addresses decision to destroy 500 tons of emergency food*, ABC News (July 17, 2025) (<https://abcnews.go.com/GMA/Food/state-department-addresses-decision-destroy-500-tons-emergency/story?id=123837748>); *The Trump administration Is About to Incinerate 500 Tons of Emergency Food*,

we will destroy it. It's a matter of whether or not it's safe to distribute” and “500 metric tons represents less than one percent” of the one million metric tons of food aid the U.S. distributes annually around the world, noting that the food in question was being held in “the event of an emergency.”⁷²

Consumer Financial Protection Bureau (CFPB): Congress established the CFPB as an independent agency to protect consumers after the 2008 financial crisis through the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act.⁷³ Since its inception in 2011, CFPB – with a staff of approximately 1,700 employees – has returned over \$21 billion in savings to American consumers, amounting to approximately \$1.5 billion in savings each year.⁷⁴ Over the course of a week, the Trump administration, led by DOGE, effectively dismantled the entire agency.

On February 7, Elon Musk posted, “CFPB RIP 🪦”.⁷⁵ The following day, on February 8, OMB Director and CFPB Acting Director Russell Vought ordered all staff to reportedly halt work and announced that he “notified the Federal Reserve that CFPB will not be taking its next draw of unappropriated funding because it is not ‘reasonably necessary’ to carry out its duties.”⁷⁶ On February 9, Vought instructed CFPB staff “not [to] perform any work tasks[,]” which reportedly included tasks mandated by statute, and not to come into the office.⁷⁷ In the following days, Vought cancelled over 150 of CFPB’s vendor contracts and terminated over 70 probationary CFPB employees via email, informing them that they “are not fit for continued employment because [their] ability, knowledge and skills do not fit the Agency’s current needs.”⁷⁸ Vought also announced the closure of CFPB’s headquarters and CFPB’s official X account (@CFPB) was also deleted.⁷⁹

Atlantic (July 14, 2025) (<https://www.theatlantic.com/health/archive/2025/07/usaid-emergency-food-incinerate-trump/683532/>).

⁷² Press Briefing with Department of State Spokesperson Tammy Bruce (July 17, 2025).

⁷³ Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203 (2010); 12 U.S.C. § 5481. In *Selia Law LLC v. Consumer Financial Protection Bureau*, 591 U.S. 207 (2020), the Supreme Court struck down the CFPB Director’s removal protections established by Congress, allowing the Director to be removed at will by the President thereby reducing the agency’s independence from political affiliations.

⁷⁴ CFPB, *Celebrating 10 years of consumer protection* (July 21, 2021) (<https://www.consumerfinance.gov/about-us/blog/celebrating-10-years-consumer-protection/>); CFPB, *Fast Facts: CFPB By the Numbers* (last updated Dec. 3, 2024) (<https://www.consumerfinance.gov/about-us/the-bureau/>) (accessed Aug. 6, 2025). CFPB, *Financial report of the Consumer Financial Protection Bureau Fiscal year 2024* (Nov. 14, 2024) (https://files.consumerfinance.gov/f/documents/cfpb_financial-report-fy-2024.pdf).

⁷⁵ Elon Musk, X post (Feb. 7, 2025, 4:41 p.m.) (<https://x.com/elonmusk/status/1887979940269666769>).

⁷⁶ *New CFPB chief closes headquarters, tells all staff they must not do 'any work tasks'*, NPR (Feb. 10, 2025) (<https://www.npr.org/2025/02/08/nx-s1-5290914/russell-vought-cfpb-doge-access-musk>); Russ Vought, X post (Feb. 8, 2025, 10:03 p.m.) (<https://x.com/russvought/status/1888423503537360986>).

⁷⁷ Amended Complaint (Feb. 13, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

⁷⁸ Amended Complaint (Feb. 13, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

⁷⁹ Amended Complaint (Feb. 13, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381) (noting Vought announced the closure of CFPB’s Washington, D.C. headquarters on

On February 13, the National Treasury Employees Union and other plaintiffs filed an amended complaint against CFPB Acting Director Vought alleging violations of the Take Care Clause, Appointments Clause, and the Administrative Procedure Act.⁸⁰ The complaint submitted that Vought’s actions “suspended oversight of the biggest banks to ensure that they comply with the law[,]” suspended “enforcement actions against institutions violating consumer financial protection laws[,]” and “severely disrupted the CFPB’s complaint operation” required by Congress, noting “[t]he hotline consumers call to submit complaints went offline[.]”⁸¹ After learning of concerns that CFPB’s data systems were at “imminent risk” of being deleted in violation of federal law, the court issued an order prohibiting CFPB from “delet[ing], destroy[ing], remov[ing], or impair[ing] any data or other CFPB records covered by the Federal Records Act.”⁸²

On March 28, the court issued a preliminary injunction finding plaintiffs would likely succeed on their claim that the Trump administration’s “actions to dismantle and shut down the CFPB [were] unconstitutional because they exceed the executive’s authority and usurp the legislature’s authority[.]”⁸³ In the court’s order, it directed the reinstatement of all CFPB employees, prohibited the termination of additional CFPB employees without cause, required the rescission of all contract terminations, lifted the “stop-work order” from February 10, and required that CFPB employees be provided with the technology and equipment necessary to carry out their statutorily mandated functions.⁸⁴ The court found Vought’s actions “were taken in complete disregard for the decision Congress made 15 years ago, which was spurred by the devastating financial crisis of 2008 and embodied in the United States Code, that the agency must exist and that it must perform specific functions to protect the borrowing public.”⁸⁵

February 10 and CFPB’s official X account was deleted on February 7); CFPB, X (<https://x.com/CFPB>) (stating “[t]his account doesn’t exist”) (accessed Feb. 18, 2025).

⁸⁰ Amended Complaint (Feb. 13, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

⁸¹ Amended Complaint (Feb. 13, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

⁸² Second Declaration of Erie Meyer (Feb. 14, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381); Order (Feb. 14, 2025) *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

⁸³ Memorandum Opinion (Mar. 28, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

⁸⁴ Order (Mar. 28, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381). The government appealed this order and the Court of Appeals granted its emergency motion to stay the injunction in part, requiring a “particularized assessment” when conducting RIFs, which involves a review to ensure “each division or office within the [CFPB] will be able to perform [its] statutorily required duties . . . without the employees subject to the RIF”). See Emergency Motion for an Administrative Stay and Stay Pending Appeal (Mar. 31, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.C. Circuit (No. 25-5091); Orders (Apr. 11, 2025 and Apr. 28, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.C. Circuit (No. 25-5091).

⁸⁵ Memorandum Opinion (Mar. 28, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

In an August 15 ruling, the Court of Appeals for the District of Columbia Circuit found the court lacked jurisdiction and vacated the district court’s preliminary injunction.⁸⁶ Prior to this ruling, as discussed in Section II below, the administration defied the district court’s orders when it continued to attempt to initiate mass reductions in force (RIFs), despite the court’s orders prohibiting the administration from issuing RIFs to CFPB employees.⁸⁷

U.S. Agency for Global Media (USAGM): Congress established USAGM, originally known as the Broadcasting Board of Governors, to “promote the right of freedom of opinion and expression” and to “support freedom and democracy[.]” with an eye toward countries that lacked freedom of information.⁸⁸ USAGM operates broadcasting services and serves as the independent media in many countries where no other free and open media exists.⁸⁹ In bipartisan bill after bipartisan bill, Congress has reaffirmed and refunded USAGM as a pillar of foreign policy.⁹⁰

On March 14, President Trump issued Executive Order 14238, *Continuing the Reduction of the Federal Bureaucracy*, directing that “the non-statutory components and functions of [USAGM] shall be eliminated to the maximum extent consistent with applicable law[.]”⁹¹ The following day, USAGM terminated grant agreements and in a press release on its website stated, “[t]his agency is not salvageable.” The administration subsequently sought to shut down broadcasts conducted by USAGM.⁹²

⁸⁶ Opinion (Aug. 15, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.C. Cir. (No. 25-5091).

⁸⁷ See, e.g., Order (Feb. 14, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381) (ordering Defendants not to “terminate any CFPB employee, except for cause related to the specific employee’s performance or conduct” or “issue any notice of reduction-in-force to any CFPB employee”); Memorandum Opinion (Mar. 28, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (No. 25-cv-381).

⁸⁸ International Broadcasting Act of 1994, Pub. L. No. 103-236, Sec. 302(1), (5); 302-305 (establishing the Broadcasting Board of Governors, which was subsequently renamed to the U.S. Agency for Global Media); see also 22 U.S.C. § 6203(a) (stating USAGM “shall continue to exist within the Executive branch of the Government” as an independent establishment under 5 U.S.C. § 104); see also National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, Sec. 1288; see also U.S. Agency for Global Media, *Statement from CEO John F. Lansing on agency rebrand* (Aug. 22, 2018) (<https://www.usagm.gov/2018/08/22/statement-from-ceo-john-f-lansing-on-agency-rebrand>).

⁸⁹ Congressional Research Service, *U.S. Agency for Global Media: Background, Governance, and Issues for Congress* (R46968) (Nov. 17, 2021).

⁹⁰ In FY 2024, Congress appropriated approximately \$857 million to USAGM and mandated how those funds “shall be allocated[.]” See Further Consolidated Appropriations Act of 2024, Pub. L. No. 118-47 (noting “funds appropriated under this heading shall be allocated in accordance with the table included under this heading”). In FY 2025, Congress provided additional funds for USAGM through a continuing resolution on March 15, which was signed into law by President Trump. See Full-Year Continuing Appropriations and Extensions Act of 2025, Pub. L. No. 119-4 (2025); see also *Unpacking the Voice of America Litigation* (Apr. 10, 2025) (<https://www.justsecurity.org/109984/voice-of-america-litigation/>) (noting Congress’s funding for USAGM “has been extended by continuing resolution, most recently in a bill signed by President Trump on Mar. 15, even as he effectively shut down the organizations”).

⁹¹ Exec. Order No. 14238, 90 Fed. Reg. 13043 (Mar. 14, 2025).

⁹² *'Bloody Saturday' at Voice of America and other U.S.-funded networks*, National Public Radio (Mar. 15, 2025) (www.npr.org/2025/03/15/nx-s1-5329244/bloody-saturday-voiceofamerica-radio-free-asia-europe-trump-kari).

At least 6 lawsuits have been filed contesting the administration's actions related to USAGM.⁹³ On March 25, a federal court found that USAGM's components, Radio Free Europe and Radio Liberty (RFE/RL),

has, for decades, operated as one of the organizations that Congress has statutorily designated to carry out [Congress's policy to promote the right of freedom of opinion and expression]. The leadership of USAGM cannot, with one sentence of reasoning offering virtually no explanation, force RFE/RL to shut down—even if the President has told them to do so.”⁹⁴

On April 22, in *Widakuswara v. Lake*, a federal court ruled that the actions taken to eliminate USAGM were illegal and inconsistent with Congress's clear direction. In particular, the judge noted the head of the agency had eliminated whole agency functions, without any “analysis ... to determine which aspects of USAGM are statutorily required and which are not.”⁹⁵ On July 30, the judge issued an order to show cause directing the administration to “provide a plan for how they intend to comply with [portions of the preliminary injunction,]” which require the restoration of Voice of America programming “such that USAGM fulfills its statutory mandate[.]”⁹⁶ These cases remain pending.

Department of Education: Congress established the Department of Education through the Department of Education Organization Act in 1979 to "ensure that education issues receive proper treatment at the Federal level" and to "enable the Federal Government to coordinate its

[lake](https://www.usagm.gov/2025/03/15/u-s-agency-for-global-media-complies-with-presidential-executive-order-to-reduce-the-federal-bureaucracy/)); U.S. Agency for Global Media, *Senior Advisor Kari Lake Cancels Obscenely Expensive 15-year-lease that Burdened the Taxpayers and Enforces Trump's Executive Order to Drastically Downsize Agency* (Mar. 15, 2025) (<https://www.usagm.gov/2025/03/15/u-s-agency-for-global-media-complies-with-presidential-executive-order-to-reduce-the-federal-bureaucracy/>) (accessed Aug. 6, 2025).

⁹³ See, e.g., Complaint (Mar. 18, 2025), *RFE/RL, Inc. v. Lake, et al.*, D.D.C. (No. 25-cv-799); Complaint (Mar. 20, 2025), *Open Technology Fund v. Lake, et al.*, D.D.C. (No. 25-cv-840); Complaint (Mar. 21, 2025), *Widakuswara, et al., v. Lake, et al.*, S.D.N.Y. (No. 25-cv-2390); Complaint (Mar. 26, 2025), *Abramowitz, et al., v. Lake, et al.*, D.D.C. (No. 25-cv-887); Complaint (Mar. 27, 2025), *Radio Free Asia v. United States, et al.*, D.D.C. (No. 25-cv-907); Complaint (Apr. 1, 2025), *Middle East Broadcasting Networks, Inc., v. United States, et al.*, D.D.C. (No. 25-cv-966).

⁹⁴ Order (Mar. 25, 2025), *RFE/RL, Inc. v. Lake, et al.*, D.D.C. (No. 25-cv-799). This decision was stayed by a D.C. Circuit panel, but that stay has been reversed *en banc*, restoring the district court's order. Order (July 1, 2025), *RFE/RL, Inc. v. Lake, et al.*, D.C. Circuit (No. 25-5158). On July 18, the court issued a preliminary injunction directing, among other things, that the Trump administration “restore disbursement of RFE/RL's congressionally appropriated funds[.]” Memorandum Opinion (July 18, 2025), *RFE/RL, Inc. v. Lake, et al.*, D.C. Circuit (No. 25-5158).

The district court has since granted in part Plaintiffs' motion for a preliminary injunction directing the Defendants to “enter into a master grant agreement” with the “same terms and conditions applicable to the most recent master grant agreement” and restore Congressionally appropriated funds to RFE/RL. Memorandum Opinion (July 18, 2025), *RFE/RL, Inc. v. Lake, et al.*, D.D.C. (No. 25-cv-799).

⁹⁵ Memorandum Opinion (Apr. 22, 2025), *Widakuswara, et al., v. Lake, et al.*, D.D.C. (No. 25-cv-1015).

⁹⁶ Order to Show Cause (July 30, 2025), *Widakuswara, et al., v. Lake, et al.*, D.D.C. (No. 25-cv-1015).

education activities more effectively.”⁹⁷ Congress gave the Secretary of Education limited authority to “establish, consolidate, alter, or discontinue” certain offices – but not to eliminate any specific statutory authorities.⁹⁸ Congress has routinely reauthorized programs and appropriated funds for the Department. There is no indication that Congress has chosen to eliminate the Department of Education; despite bills being introduced to eliminate the Department, Congress has not moved the legislation out of a Congressional committee.⁹⁹

On March 20, President Trump signed an executive order directing the Secretary of Education to take steps to facilitate the closure of the Department of Education.¹⁰⁰ Lawsuits have since been filed alleging the Department of Education’s closure will harm educators, parents, and students, and that it unlawfully oversteps Congress’ authority.¹⁰¹ In *State of New York v. McMahon*, a lawsuit filed by the Attorneys General of twenty states and the District of Columbia, a federal court found that the “Department cannot be shut down without Congress’s approval,” and the Department “will not be able to carry out its statutory functions—and in some cases, is already unable to do so[.]”¹⁰² In its order granting a preliminary injunction, the court barred the administration from implementing the March 20 executive order and carrying out other actions it has taken to dismantle the department, including its March 11 RIFs.¹⁰³

The First Circuit Court of Appeals denied the administration’s request for a stay of this order pending appeal.¹⁰⁴ The Trump administration then appealed to the Supreme Court.¹⁰⁵ In an unsigned and unexplained ruling, the Supreme Court granted the administration’s request to block the lower court’s order, allowing the administration’s massive RIFs at the Department of

⁹⁷ Department of Education Organization Act of 1979, Pub. L. No. 96-88 (1979), Sec. 102.

⁹⁸ 20 U.S.C. § 3473(a).

⁹⁹ See, e.g., H.R. 938, 118th Cong. (2023); H.R. 2691, 119th Cong. (2025); S. 1148, 119th Cong. (2025).

¹⁰⁰ Exec. Order No. 14242, 90 Fed. Reg. 13679 (Mar. 20, 2025) (stating “[t]he Secretary of Education shall, to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education”).

¹⁰¹ See, e.g., Complaint (Mar. 13, 2025), *State of New York, et al., v. McMahon*, D. Mass (No. 25-cv-10601); Complaint (Mar. 14, 2025), *Carter, et al., v. U.S. Department of Education, et al.*, D.D.C. (No. 25-cv-744); Complaint (Mar. 24, 2025), *Somerville Public Schools, et al., v. Trump, et al.*, D. Mass (No. 25-cv-10677); Complaint (Apr. 4, 2025), *Association for Education Finance and Policy, Inc. et al., v. McMahon, et al.*, D.D.C. (No. 25-cv-999); Complaint (Mar. 24, 2025), *NAACP, et al., v. United States, et al.*, D. Md. (No. 25-cv-965); Complaint (Apr. 14, 2025), *American Educational Research Association, et al., v. U.S. Department of Education, et al.*, D. Md. (No. 25-cv-1230); Complaint (Apr. 21, 2025), *Victim Rights Law Center, et al., v. U.S. Department of Education*, D. Mass. (No. 25-cv-11042); Complaint (Apr. 24, 2025), *National Academy of Education, et al., v. U.S. Department of Education*, D.D.C. (No. 25-cv-1266).

¹⁰² Memorandum and Order on Consolidated Plaintiffs’ Motions for Preliminary Injunction (May 22, 2025), *State of New York, et al., v. McMahon, et al.*, D. Mass (No. 25-cv-10601) and *Somerville Public Schools, et al., v. Trump, et al.*, D. Mass (No. 25-cv-10677).

¹⁰³ Memorandum and Order on Consolidated Plaintiffs’ Motions for Preliminary Injunction (May 22, 2025), *State of New York, et al., v. McMahon, et al.*, D. Mass (No. 25-cv-10601) and *Somerville Public Schools, et al., v. Trump, et al.*, D. Mass (No. 25-cv-10677).

¹⁰⁴ Order (June 4, 2025), *Somerville Public Schools, et al., v. McMahon, et al.*, 1st Cir. (No. 25-1495) and *State of New York, et al., v. McMahon, et al.*, 1st Cir. (No. 25-1500).

¹⁰⁵ Application to Stay the Injunction Issued by the United States District Court for the District of Massachusetts and Request for an Immediate Administrative Stay (June 6, 2025), *McMahon, et al., v. State of New York*, Supreme Court of the United States (No. 24A1203).

Education to go into effect.¹⁰⁶ In Justice Sotomayor’s dissenting opinion, which was joined by Justices Kagan and Jackson, she wrote, the President “lacks unilateral authority to close a Cabinet-level agency. Congress created the Department, and only Congress can abolish it. The President, too, may not refuse to carry out statutorily mandated functions assigned to the Department, for he must ‘take Care that the Laws be faithfully executed.’”¹⁰⁷ The Supreme Court’s decision was on a procedural issue (whether to allow the RIFs to remain in effect) and did not address the merits of the case (whether the Trump administration exceeded its authority). By the time the merits of the case potentially reach the Supreme Court, however, the impact of the harm caused by these interim actions may make any potential remedy moot.

United States Institute of Peace (USIP): Congress established USIP in 1984 as an “independent nonprofit corporation” and has continued to fund the organization over the years.¹⁰⁸ USIP’s mission is to “help prevent and resolve violent conflicts, promote post-conflict stability and development, and increase peacebuilding capacity, tools, and intellectual capital worldwide.”¹⁰⁹ On February 19, President Trump signed an executive order directing that USIP, among other organizations, “be eliminated to the maximum extent consistent with applicable law[.]”¹¹⁰ Shortly thereafter, the Trump administration and members of DOGE removed USIP’s leadership and Board members, forcibly took over the building, and “abruptly terminated nearly all of its staff and activities around the world.”¹¹¹ Two pending lawsuits contest the administration’s actions.¹¹²

In *USIP v. Jackson*, a federal judge found on May 19 that, “[t]he President’s efforts here to take over an organization outside of [Article II], contrary to a statute established by Congress and by acts of force and threat using local and federal law enforcement officers, represented a gross usurpation of power and a way of conducting government affairs that unnecessarily traumatized the committed leadership and employees of USIP, who deserved better.”¹¹³ On June 27, the appellate court granted the government’s request to stay the lower court’s order, finding that the “President faces irreparable harm from not being able to fully exercise his executive

¹⁰⁶ *McMahon, et al., v. New York, et al.*, 606 U.S. ____ (2025).

¹⁰⁷ *McMahon, et al., v. New York, et al.*, 606 U.S. ____ (2025) (Sotomayor, J., dissenting).

¹⁰⁸ Department of Defense Authorization Act of 1985, Pub. L. No. 98-525, Sec. 1704(a), (b); *see, e.g.*, Full-Year Continuing Appropriations and Extensions Act of 2025, Pub. L. No. 119-4; Further Consolidated Appropriations Act of 2024, Pub. L. No. 118-47; Consolidated Appropriations Act of 2023, Pub. L. No. 117-328; Consolidated Appropriations Act of 2022, Pub. L. No. 117-103; Consolidated Appropriations Act of 2021, Pub. L. No. 116-260.

¹⁰⁹ Federal Register, United States Institute of Peace: Agency Profile (<https://www.federalregister.gov/agencies/united-states-institute-of-peace>) (accessed Aug. 6, 2025).

¹¹⁰ Exec. Order No. 14217, 90 Fed. Reg. 10577 (Feb. 19, 2025).

¹¹¹ Memorandum Opinion (May 19, 2025), *United States Institute of Peace, et al., v. Jackson, et al.*, D.D.C. (No. 25-cv-804).

¹¹² *United States Institute of Peace, et al., v. Jackson, et al.*, D.D.C. (No. 25-cv-804); *Pippenger v. DOGE*, D.D.C. (No. 25-cv-01090) (denying Plaintiffs’ request for a temporary restraining order and granting a joint motion to stay the proceedings pending the outcome of the government’s motion to stay in *USIP v. Jackson*). *See* Memorandum Order Denying Temporary Injunctive Relief (Apr. 17, 2025) and Order (June 5, 2025).

¹¹³ Memorandum Opinion (May 19, 2025), *United States Institute of Peace, et al., v. Kenneth Jackson, et al.*, D.D.C. (No. 25-cv-804).

powers.”¹¹⁴ The appellate court’s ruling allows the administration to enforce its executive order to terminate “non-statutory components and functions” of USIP and its board members.¹¹⁵

C. Removing Congressionally Mandated Independent Checks on the Executive

Congress has established certain officers and bodies in the federal government tasked with conducting independent oversight to ensure federal programs are efficient, ethical, and in compliance with the law. To maintain their independent and apolitical nature, Congress has set limits on how federal officials leading these agencies may be appointed and removed by the President. The Trump administration has taken steps to weaken or disable these independent checks – leaving federal programs vulnerable to corruption and waste, allowing misconduct and abuse to go unchecked.

Unlawful Removal of Inspectors General: President Trump’s firings of 19 Inspectors General (IGs) violated a provision of federal law intended to maintain IG independence.¹¹⁶ IGs shall be appointed “without regard to political affiliation” and Congress has established clear requirements to ensure removing IGs from office is transparent and apolitical.¹¹⁷ Since 1978, Congress has required the President to communicate the “reasons” for removing an inspector general to both the House and the Senate and since 2008, Congress has required the President to communicate “in writing” such reasons “not later than 30 days before the removal[.]”¹¹⁸ In 2022, Congress passed and the President signed into law, the Securing Inspector General Independence Act of 2022, bipartisan legislation requiring the President to provide Congress with a “substantive rationale, including detailed and case-specific reasons” for removal.¹¹⁹

On the evening of January 24, President Trump removed 18 IGs without any notice or explanation to Congress as required by law.¹²⁰ In a lawsuit filed by eight of the fired IGs, they affirmed the White House’s “identical, two-sentence” email firing multiple IGs “came with no warning, notice to Congress, or public announcement” and stated, “the recipient’s ‘position’ had been terminated, effective immediately, due to ‘changing priorities.’”¹²¹ This lawsuit remains pending.

¹¹⁴ Order (June 27, 2025), *United States Institute of Peace, et al., v. Jackson, et al.*, D.C. Circuit (No. 25-5185).

¹¹⁵ Order (June 27, 2025), *United States Institute of Peace, et al., v. Jackson, et al.*, D.C. Circuit (No. 25-5185).

¹¹⁶ 5 U.S.C. § 403(b); *Government watchdogs fired by Trump sue to get their jobs back*, CNN (Feb. 12, 2025) (<https://www.cnn.com/2025/02/12/politics/inspector-general-lawsuit-fired-trump>).

¹¹⁷ Inspector General Act of 1978, Pub. L. No. 95-452, Sec. 3(a), (b) (1978).

¹¹⁸ Inspector General Act of 1978, Pub. L. No. 95-452, Sec. 3(b) (1978); Inspector General Reform Act of 2008, Pub. L. No. 110-409, Sec. 3(b) (2008).

¹¹⁹ See Securing Inspector General Independence Act of 2022, Pub. L. No. 117-263.

¹²⁰ *Trump fires 18 inspectors general overnight in legally murky move*, NBC News (Jan. 25, 2025).

¹²¹ Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction, and Memorandum in Support of Same (Feb. 14, 2025), *Storch, et al., v. Hegseth, et al.*, D.D.C. (No. 25-cv-415); see also Complaint (Feb. 12, 2025), *Storch, et al., v. Hegseth, et al.*, D.D.C. (No. 25-cv-415) (providing an example of one of the emails,

USAID IG Paul Martin was one of the few IGs not fired on January 24. However, after he issued a report warning of potential adverse impacts caused by the Trump administration's staffing reductions at USAID and pause on foreign assistance – a report precisely within the scope and duties of an IG – President Trump fired USAID IG Martin the following day – an action that also raises concerns of retaliation, also prohibited by federal law.¹²² In addition, the administration reportedly denied USAID OIG staff access to their office space, violating another provision of the Inspector General Act of 1978 that requires agencies to provide IGs with adequate office space.¹²³

Firing Government Lawyers Responsible for Providing Independent Legal Advice and Upholding Federal Laws: The administration's firing of several federal lawyers, including top military legal officers, tasked with providing independent legal advice and upholding federal and military laws threatens not only independent constitutional governance, but also the integrity of our legal system.¹²⁴ Department of Defense (DOD) Secretary Hegseth's statement that Judge Advocates General were "roadblocks to orders that are given by a commander in chief," raises concerns regarding DOD's willingness to comply with federal and military law.¹²⁵ The Judge Advocates General (TJAGs) serve as the top military legal officers of each military department and are appointed by the President with the advice and consent of the Senate. Under the law, "[n]o officer or employee of the Department of Defense may interfere with" their ability to "give independent legal advice."¹²⁶ The administration's removal or reassignment of attorneys within the Department of Justice, including a top lawyer for the Office of Professional Responsibility, several attorneys within its Public Integrity Section, and attorneys within its Civil Rights Division also raises concerns regarding the Department's independence and willingness to adhere to professional ethics and federal laws.¹²⁷

which read "[o]n behalf of President Donald J. Trump, I am writing to inform you that due to changing priorities your position as Inspector General of the United States Department of Agriculture is terminated, effective immediately").

¹²² U.S. Agency for International Development, Office of the Inspector General, *Oversight of USAID-Funded Humanitarian Assistance Programming Impacted by Staffing Reductions and Pause on Foreign Assistance* (Feb. 10, 2025); *Trump fires USAID's inspector general after report critical of funding freeze*, Politico (Feb. 11, 2025) (<https://www.politico.com/news/2025/02/11/trump-fires-usaid-inspector-general-00203717>).

¹²³ *USAID IG fired day after report critical of impacts of Trump administration's dismantling of the agency*, CNN (Feb. 11, 2025) (<https://www.cnn.com/2025/02/11/politics/usaid-inspector-general-fired-trump>); Inspector General Act of 1978, Pub. L. No. 95-452, Sec. 6(c) (1978).

¹²⁴ See Dan Maurer, *JAGs Alone Can't Defend Rule of Law*, Lawfare (blog) (Mar. 5, 2025) (www.lawfaremedia.org/article/jags-alone-can-t-defend-rule-of-law); *How Trump defanged the Justice Department's political corruption watchdogs*, Reuters (June 9, 2025) (<https://www.reuters.com/investigations/how-trump-defanged-justice-departments-political-corruption-watchdogs-2025-06-09/>); *Several top career officials ousted at Justice Department*, Washington Post (Mar. 7, 2025) (<https://www.washingtonpost.com/national-security/2025/03/07/justice-department-trump-firings/>).

¹²⁵ See *Hegseth: Fired military lawyers were potential 'roadblocks' to Trump orders*, The Hill (Feb. 24, 2025) (<https://thehill.com/policy/defense/5162069-pentagon-officers-fired/>).

¹²⁶ See 10 U.S.C. § 9037(f); 10 U.S.C. § 8088 (e); 10 U.S.C. § 8046 (d); 10 U.S.C. § 7037 (e).

¹²⁷ See, e.g., *Several top career officials ousted at Justice Department*, Washington Post (Mar. 7, 2025) (<https://www.washingtonpost.com/national-security/2025/03/07/justice-department-trump-firings/>); *Civil Rights*

D. Weakening Election Integrity

Article I, Section 4, Clause 1 of the U.S. Constitution, commonly referred to as the “Elections Clause” gives states and Congress the authority to regulate the times, places, and manner of elections.¹²⁸ On March 25, President Trump issued an Executive Order under the guise “Preserving and Protecting the Integrity of American Elections.”¹²⁹ The Order directs the U.S. Election Assistance Commission, an independent bipartisan commission established by Congress, to change its federal voter requirements under 52 U.S.C. § 20508 – an action that would require an Act of Congress – to require documentary proof of citizenship, such as a U.S. passport in order to vote.¹³⁰ As the Supreme Court ruled in 1986, “an agency literally has no power to act, let alone preempt the validly enacted legislation of a sovereign State, unless and until Congress confers power upon it.”¹³¹ The directives in President Trump’s executive order aimed to curtail voting rights, appear to usurp Congress’s legislative authority, exceed the Executive’s presidential powers, and infringe on states’ rights under the Constitution to control the “time, place, and manner” of their elections.¹³² As a federal judge made clear in striking down portions of this unconstitutional directive, “[o]ur Constitution entrusts Congress and the States—not the President—with the authority to regulate federal elections.”¹³³

E. Claiming Unauthorized Tariff Powers

Article I of the Constitution gives Congress the explicit power to levy taxes, impose import tariffs, and “regulate Commerce with foreign Nations[.]”¹³⁴ Congress has delegated limited authority to the President to impose tariffs, which often requires an executive agency to

Lawyers Leave En Masse as Justice Dept. Mission Shifts, NPR (May 19, 2025) (www.npr.org/2025/05/19/g-s1-66906/trump-civil-rights-justice-exodus) (reporting that approximately 70 percent of Civil Rights Division attorneys either left or were reassigned amid a sweeping policy and personnel shift); *Trump Justice Dept. considers removing key check on lawmaker prosecutions*, Washington Post (May 17, 2025) (<https://www.washingtonpost.com/national-security/2025/05/17/trump-justice-department-prosecutions/>); *Attorney General Pam Bondi fires top Justice Department ethics official*, ABC News (July 14, 2025) (<https://abcnews.go.com/US/attorney-general-pam-bondi-fires-top-justice-department/story?id=123746598>).

¹²⁸ U.S. Const. art. 1, § 4, cl. 1 (“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing [*sic*] Senators”).

¹²⁹ Exec. Order No. 14248, 90 Fed. Reg. 14005 (Mar. 25, 2025).

¹³⁰ Exec. Order No. 14248, 90 Fed. Reg. 14005 (Mar. 25, 2025); Help America Vote Act of 2002, Pub. L. No. 107-252, Sec. 201-203; U.S. Const. art. I, § 1; U.S. Const. art. I, § 4, cl. 1; U.S. Const. art. II, § 1, cl. 2.; Memorandum Opinion (Apr. 24, 2025), *League of United Latin American Citizens, et al., v. Executive Office of the President, et al.*, D.D.C. (No. 25-cv-946); *Democratic National Committee, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-952); *League of Women Voters Education Fund, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-955).

¹³¹ *Louisiana Public Service Commission v. Federal Communications Commission*, 476 U.S. 355, 374 (1986).

¹³² U.S. Const. art. I, §§ 1, 4.

¹³³ Memorandum Opinion (Apr. 24, 2025), *League of United Latin American Citizens, et al., v. Executive Office of the President, et al.*, D.D.C. (No. 25-cv-946); *Democratic National Committee, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-952); *League of Women Voters Education Fund, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-955).

¹³⁴ U.S. Const. art. I, § 8, cls. 1, 3.

conduct an investigation and make certain findings before a President can act.¹³⁵ In 1977, Congress enacted the International Emergency Economic Powers Act (IEEPA) in order to limit the President’s emergency powers.¹³⁶ Unlike laws passed by Congress that have delegated authority to the President to impose tariffs, nowhere in the IEEPA statute does it explicitly mention tariffs or duties. The authorities granted to the President under IEEPA make clear they “may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared” and “may not be exercised for any other purpose.”¹³⁷ Since the enactment of IEEPA five decades ago, no President until this year has used IEEPA to impose tariffs.¹³⁸ The Trump administration has invoked IEEPA to issue sweeping tariffs on virtually all countries.¹³⁹ These actions are currently being contested in court, with Plaintiffs claiming that President Trump’s invocation of IEEPA to impose tariffs exceeds the scope of his authority.¹⁴⁰ In two recent rulings, courts found President Trump’s use of IEEPA to impose tariffs to be unlawful.¹⁴¹ The Trump administration has appealed both of these rulings and the respective lower court rulings are stayed pending appeal, allowing the tariffs to remain in effect.¹⁴²

F. Violating the Constitution and Federal Laws

The administration’s actions appear to have also violated the Constitution and federal laws passed by Congress. Below are some examples.

Fifth Amendment Violations: The Fifth Amendment protects “any person” – both U.S. citizens and noncitizens who are in the U.S. – from being deprived of “life, liberty, or property, without due process of law[.]”¹⁴³ Due process requires the government to provide an individual with notice of their claims and an opportunity for a hearing where the government must justify

¹³⁵ See, e.g., Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. § 1862); Sections 201 and 301 of the Trade Act of 1974 (19 U.S.C. §§ 2251, 2411).

¹³⁶ International Emergency Economic Powers Act of 1977, Pub. L. No. 95-223 (50 U.S.C. §§ 1701-1710).

¹³⁷ 50 U.S.C. § 1701(b).

¹³⁸ Congressional Research Service, *Legal Authority for the President to Impose Tariffs Under the International Emergency Economic Powers Act (IEEPA)* (LSB11281) (Apr. 7, 2025) (noting President Trump’s actions “represent the first uses of IEEPA to impose tariffs since the law’s enactment in 1977”).

¹³⁹ See, e.g., Exec. Order No. 14257, 90 Fed. Reg. 15041 (Apr. 2, 2025); Exec. Order No. 14326, 90 Fed. Reg. 37963 (July 31, 2025); Exec. Order No. 14193, 90 Fed. Reg. 9113 (Feb. 1, 2025); Exec. Order No. 14194, 90 Fed. Reg. 9117 (Feb. 1, 2025); Exec. Order No. 14195, 90 Fed. Reg. 9121 (Feb. 1, 2025).

¹⁴⁰ See, e.g., *V.O.S. Selections Inc., et al., v. Trump, et al.*, U.S. Ct. Int’l Trade (No. 25-cv-66); *Learning Resources Inc., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-1248); *State of California, et al., v. Trump, et al.*, N.D. Ca. (No. 25-cv-3372); *Emily Ley Paper, Inc. v. Trump, et al.*, N.D. Fla. (No. 25-cv-464); *Susan Webber, et al., v. U.S. Department of Homeland Security, et al.*, D. Mont. (No. 25-cv-26).

¹⁴¹ See Opinion (May 28, 2025), *V.O.S. Selections Inc., et al., v. Trump, et al.*, U.S. Ct. Int’l Trade (No. 25-cv-66) (granting summary judgment); Order (May 29, 2025), *Learning Resources Inc., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-1248) (granting a preliminary injunction).

¹⁴² See Order (June 10, 2025), *V.O.S. Selections Inc., et al., v. Trump, et al.*, U.S. Court of Appeals for the Federal Circuit (No. 25-1812); Order (June 3, 2025), *Learning Resources Inc., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-1248).

¹⁴³ U.S. Const. amend. V.

their actions, and an individual may contest the government’s claims. As discussed further in Section II, the administration has violated hundreds of individuals’ due process rights, required under the Fifth Amendment.

Fourteenth Amendment Violations: The Trump administration has also attempted to restrict certain rights under the 14th Amendment by attempting to unlawfully ban Birthright Citizenship with respect to children born to certain non-U.S. citizens.¹⁴⁴ The Fourteenth Amendment grants citizenship to anyone born in the United States, regardless of their immigration status. Section 1 of the Fourteenth Amendment states, “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”¹⁴⁵ Congress has codified this constitutional principle in statute and legal precedent has affirmed it.¹⁴⁶ Despite this, President Trump issued an Executive Order on January 20, 2025 directing Executive Branch departments and agencies not to grant citizenship to individuals described within Section II of the Executive Order, restricting Birthright Citizenship.¹⁴⁷

At least ten cases have been filed challenging the constitutionality of this Executive Order.¹⁴⁸ Every court that has ruled on this issue (so far, at least six) granted preliminary injunctions prohibiting the Executive Order from being implemented.¹⁴⁹ Despite the district courts’ unequivocal rulings on the merits – that the administration’s executive order is unconstitutional – the administration sought to implement its executive order as to nonparties. Through a procedural argument to the Supreme Court, the government requested that it limit universal injunctions, including in this case, which the Supreme Court ultimately did, without deciding the actual merits of the case.¹⁵⁰

¹⁴⁴ Exec. Order No. 14160, 90 Fed. Reg. 8449 (Jan. 20, 2025).

¹⁴⁵ U.S. Const. amend. XIV, § 1.

¹⁴⁶ 8 U.S.C. § 1401; *United States v. Wong Kim Ark*, 169 U.S. 649 (1898); *Weedin v. Chin Bow*, 274 U.S. 657 (1927); *Morrison v. California*, 291 U.S. 82 (1934); *Perkins v. Elg*, 307 U.S. 325 (1939); *Afroyim v. Rusk*, 387 U.S. 253 (1967); *Miller v. Albright*, 523 U.S. 420 (1998).

¹⁴⁷ Exec. Order No. 14160, 90 Fed. Reg. 8449 (Jan. 20, 2025).

¹⁴⁸ See Just Security, *Litigation Tracker: Legal Challenges to Trump Administration Actions* (<https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/>) (accessed Aug. 7, 2025).

¹⁴⁹ See, e.g., Order (Feb. 10, 2025), *New Hampshire Indonesian Community Support, et al., v. Trump, et al.*, D.N.H. (No. 25-cv-38); Order and Memorandum of Decision on Motions for Preliminary Injunction (Feb. 13, 2025), *O. Doe, et al., v. Trump, et al.*, D. Mass. (No. 25-cv-10135) and *State of New Jersey, et al., v. Trump, et al.*, D. Mass. (No. 25-cv-10139); Memorandum Opinion (Feb. 5, 2025), *CASA, Inc., et al., v. Trump, et al.*, D. Md. (No. 25-cv-201); Order (Feb. 6, 2025), *State of Washington, et al., v. Trump, et al.*, W.D. Wash. (No. 25-cv-127) (affirmed by the 9th Circuit, see Opinion (July 24, 2025) *State of Washington, et al., v. Trump, et al.*, 9th Cir. (No. 25-807)); Order Granting Preliminary Injunction and Provisional Class Certification (July 10, 2025), “*Barbara, et al., v. Trump, et al.*”, D.N.H. (No. 25-cv-244). The Trump administration’s applications to the Supreme Court in *CASA, Inc., State of Washington, and State of New Jersey* (Nos. 24A884, 24A885, and 24A886) were consolidated before the Supreme Court.

¹⁵⁰ Application for a Partial Stay of the Injunction Issued by the United States District Court for the District of Maryland, *Trump, et al., v. CASA, Inc., et al.*, Supreme Court of the United States (No. 24A884); Slip Opinion (June 27, 2025), *Trump, et al., v. CASA, Inc., et al.*, Supreme Court of the United States (No. 24A884).

The Supreme Court’s procedural decision to limit the use of universal injunctions has not prevented lower courts from granting far reaching relief.¹⁵¹ On July 10, a federal judge in New Hampshire granted a class-wide preliminary injunction prohibiting the administration from enforcing the Executive Order against any newborns that it might impact.¹⁵² In another case, the Ninth Circuit Court of Appeals affirmed a district court’s ruling that States challenging the executive order were entitled to a universal injunction in order to receive complete relief, and maintained that the Order “is invalid because it contradicts the plain language of the Fourteenth Amendment’s grant of citizenship to ‘all persons born in the United States and subject to the jurisdiction thereof.’”¹⁵³ On August 7, the court in *CASA, Inc. v. Trump* certified a class-wide preliminary injunction on behalf of “every child in the United States who is subject to the Executive Order.”¹⁵⁴ As the court previously noted, the administration’s executive order “seeks to rewrite the Citizenship Clause of the Fourteenth Amendment by declaring that citizenship for individuals born in the United States does not extend to children whose parents were in the United States unlawfully or temporarily when the child was born.”¹⁵⁵

Appointments Clause Requirements: The Senate’s constitutional duty to provide “advice and consent” on “Officers of the United States” is a critical check on the president’s power to appoint officials to their administration. Article II, Section 2 of the U.S. Constitution, commonly known as the “Appointments Clause,” sets limitations on Executive Branch appointments of officers of the United States.¹⁵⁶ Among these limitations, courts have found that Article II requires individuals who wield “significant authority” to be nominated by the President with the advice and consent of the Senate.¹⁵⁷

Until his departure on May 28, 2025, Mr. Musk wielded power far beyond any Senate-confirmed cabinet member but had not been subject to the Senate’s required advice and consent

¹⁵¹ The term “universal injunction” is often used interchangeably with “nationwide injunction” when referring to “court orders that block government actions in their entirety.” See Congressional Research Service, *Trump v. CASA, Inc. and Nationwide Injunctions During the Second Trump Administration* (R48600) (July 16, 2025).

¹⁵² Order Granting Petitioners’ Motion for Classwide Preliminary Injunction (July 10, 2025), “*Barbara, et al., v. Trump, et al.*,” D.N.H. (No. 25-cv-244). The court also provisionally certified a class including “[a]ll current and future persons who are born on or after February 20, 2025, where (1) that person’s mother was unlawfully present in the United States and the person’s father was not a United States citizen or lawful permanent resident at the time of said person’s birth, or (2) that person’s mother’s presence in the United States was lawful but temporary, and the person’s father was not a United States citizen or lawful permanent resident at the time of said person’s birth.” Order Granting Petitioners’ Motion for Provisional Class Certification and Appointment of Class Counsel (July 10, 2025), “*Barbara, et al., v. Trump, et al.*,” D.N.H. (No. 25-cv-244).

¹⁵³ Opinion (July 23, 2025), *State of Washington, et al., v. Trump, et al.*, 9th Cir. (No. 25-807).

¹⁵⁴ Memorandum Opinion (Aug. 7, 2025), *CASA, Inc., et al., v. Trump, et al.*, D. Md. (No. 25-cv-201).

¹⁵⁵ Memorandum Opinion (July 16, 2025), *CASA Inc., et al., v. Donald J. Trump, et al.*, D. Md. (No. 25-cv-201).

¹⁵⁶ U.S. Const. art. II, § 2, cl. 2. Senate confirmation is the default method to appoint officers of the U.S., but the Appointments Clause allows for Congress to “vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.” U.S. Const. art. II, § 2, cl. 2.

¹⁵⁷ *Buckley v. Valeo*, 424 U.S. 1, 126 (1976) (per curiam) (establishing the standard that “Officers of the United States” are appointees who exercise “significant authority pursuant to the laws of the United States”).

process.¹⁵⁸ Mr. Musk led the administration’s government-wide Department of Government Efficiency (DOGE) initiative – despite shifting claims regarding his control – gaining access to our government’s most sensitive data systems, cutting off critical payments, dismantling federal agencies, and indiscriminately firing thousands of federal employees without cause.¹⁵⁹ All of these actions likely amount to “significant authority.”¹⁶⁰

At least two cases have alleged Mr. Musk’s role violated the Appointments Clause.¹⁶¹ In a lawsuit brought by former USAID employees, a federal district court judge found that Mr. Musk, as the leader of DOGE, “exercised significant authority reserved for an Officer while serving in a continuing governmental position” and therefore, Plaintiffs would likely succeed on the merits of their claim that Mr. Musk’s role violated the Appointments Clause “as to the decision to permanently close USAID headquarters.”¹⁶² In its opinion, the court noted,

If a President could escape Appointments Clause scrutiny by having advisors go beyond the traditional role of White House advisors who communicate the President’s priorities to agency heads and instead exercise significant authority throughout the federal government so as to bypass duly appointed Officers, the Appointments Clause would be reduced to nothing more than a technical formality.”¹⁶³

The Trump administration appealed this decision, which granted a preliminary injunction, and the Court of Appeals for the Fourth Circuit has stayed the injunction pending appeal.¹⁶⁴ In

¹⁵⁸ *Elon Musk is leaving the Trump administration after leading effort to slash federal government*, AP News (May 28, 2025) (<https://apnews.com/article/elon-musk-donald-trump-big-beautiful-bill-aa2bc70b0ebdb219b5dd3e9f8fae03af>); Elon Musk, X post (May 28, 2025, 8:01 p.m.) (<https://x.com/elonmusk/status/1927877957852266518?lang=en>); Complaint (Feb. 13, 2025), *J. Does 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462); Complaint (Feb. 13, 2025), *State of New Mexico, et al., v. Musk, et al.*, D.D.C. (No. 25-cv-429).

¹⁵⁹ *See*, Complaint (Feb. 13, 2025), *J. Doe 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462) (submitting Mr. Musk’s “power includes, at least, the authority to cease the payment of congressionally approved funds, access sensitive and confidential data across government agencies, cut off systems access to federal employees and contractors at will, and take over and dismantle entire independent federal agencies”).

¹⁶⁰ *See, e.g.*, Memorandum Opinion (Mar. 18, 2025), *J. Doe 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462) (finding that “the action of authorizing the permanent closure of an agency headquarters as part of an overall plan to dismantle the agency is the exercise of significant authority that must be performed by an Officer of the United States”).

¹⁶¹ Complaint (Feb. 13, 2025), *J. Doe 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462); Complaint (May 27, 2025), *State of New Mexico, et al. v. Musk, et al.*, D.D.C. (No. 25-cv-429). Another case, *Japanese American Citizens League, et al., v. Musk, et al.*, D.D.C. (No. 25-cv-643), has been consolidated with *State of New Mexico, et al., v. Musk, et al.*, D.D.C. (No. 25-cv-429). Minute Order (Mar. 20, 2025), *Japanese American Citizens League, et al., v. Musk, et al.*, D.D.C. (No. 25-cv-643).

¹⁶² Memorandum Opinion (Mar. 18, 2025), *J. Does 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462).

¹⁶³ Memorandum Opinion (Mar. 18, 2025), *J. Does 1-26 v. Musk and DOGE*, D. Md. (No. 25-cv-462).

¹⁶⁴ Notice of Appeal (Mar. 21, 2025) and Order (Mar. 28, 2025), *J. Does 1-26 v. Musk and DOGE*, 4th Cir. (No. 25-1273). The Fourth Circuit is currently holding the matter “in abeyance for the district court to resolve the motion to dismiss or otherwise issue any subsequent appealable order.” Order (June 9, 2025), *J. Does 1-26 v. Musk and DOGE*, 4th Cir. (No. 25-1273). On August 13, the district court granted Defendants’ Motion to Dismiss as to

another lawsuit, fourteen states alleged that Mr. Musk’s actions violated the Appointments Clause, claiming “in many cases, [Mr. Musk] has exceeded the lawful authority of even a principal officer, or of the President himself.”¹⁶⁵ Both cases remain pending.

Tik Tok Ban: The Trump administration still has not complied with a law Congress enacted last year banning support of “TikTok” in the U.S. unless it was sold to an American company, despite the Supreme Court’s decision upholding the constitutionality of this law.¹⁶⁶ Notwithstanding the Supreme Court’s ruling, the Department of Justice wrote letters to several tech companies that “an abrupt shutdown of the TikTok platform would interfere with the execution of the President’s constitutional duties to take care of the national security and foreign affairs of the United States” and it would “irrevocably relinquish[] any claims the United States might have had against [the tech companies] for the conduct proscribed in the Act[.]”¹⁶⁷ Such claims appear to not only violate the law passed by Congress, but also raises concerns about the separation of powers.¹⁶⁸

Federal Workforce Protections: Congress has enacted laws protecting our federal workforce from indiscriminate firings and mass layoffs, both to ensure employees’ rights and to ensure stability among the federal government to protect the American people it serves. Congress has also afforded some agency leaders protections to maintain their independence, allowing certain officials to only be terminated for cause.¹⁶⁹ The Trump administration, however, has engaged in mass layoffs and indiscriminate mass firings, abusing the protections Congress put in place through laws governing voluntary separation agreements and reductions in force (RIFs). It

claims against President Trump but otherwise denied the motion. Order (Aug. 13, 2025), *J. Does 4, 7, 22, 27, 28, and 29 v. Musk, et al.*, D. Md. (No. 25-cv-462).

¹⁶⁵ Complaint (Feb. 13, 2025), *State of New Mexico, et al., v. Musk, et al.*, D.D.C. (No. 25-cv-429).

¹⁶⁶ Protecting Americans from Foreign Adversary Controlled Applications Act, Pub. L. No. 118-50, Div. H (2024); *TikTok Inc., et al., v. Garland, et al.*, 604 U.S. ____ (2025) (per curiam); Exec. Order No. 14166, 90 Fed. Reg. 8611 (Jan. 20, 2025) (directing the Attorney General “not to take any action to enforce the Act for a period of 75 days”); Exec. Order No. 14258, 90 Fed. Reg. 15209 (Apr. 4, 2025) (extending the “enforcement delay” until June 19, 2025); Exec. Order No. 14310, 90 Fed. Reg. 26913 (June 19, 2025) (reextending the “enforcement delay” until September 17, 2025).

¹⁶⁷ See, e.g., Letters from Pamela Bondi, Attorney General, Department of Justice, to Apple, Inc. (Apr. 5, 2025), Google, LLC (Apr. 5, 2025), Amazon (Mar. 10, 2025), Digital Realty Trust, Inc. (Mar. 10, 2025), Fastly, Inc. (Mar. 10, 2025), Microsoft Corporation (Apr. 8, 2025), T-Mobile US, Inc. (Mar. 10, 2025), and Oracle Corporation (Apr. 5, 2025) (stating “Oracle may continue to provide services to TikTok as contemplated by these Executive Orders without violating the Act, and without incurring any legal liability”).

¹⁶⁸ See Protecting Americans from Foreign Adversary Controlled Applications Act, Pub. L. No. 118-50, Div. H, Sec. 2(d)(2) (2024) (stating the Attorney General “shall conduct investigations related to potential violations [of the Act]”); Alan Z. Rozenshtein, *The Government’s Astonishing Constitutional Claims on TikTok*, Lawfare (July 3, 2025) (<https://www.lawfaremedia.org/article/the-government-s-astonishing-constitutional-claims-on-tiktok>); Steve Vladeck, *TikTok and the Dispensing Power*, One First (July 7, 2025) (<https://www.stevevladeck.com/p/165-tiktok-and-the-dispensing-power>).

¹⁶⁹ See, e.g., 15 U.S.C. § 41 (Federal Trade Commission); 29 U.S.C. § 153 (National Labor Relations Board); 15 U.S.C. § 2053 (Consumer Product Safety Commission); 5 U.S.C. § 7104 (Federal Labor Relations Authority); 5 U.S.C. § 1202 (Merit Systems Protection Board); 5 U.S.C. § 1211 (Office of Special Counsel); see also Jane Manners and Lev Menand, *The Three Permissions: Presidential Removal and the Statutory Limits of Agency Independence*, Columbia Law Review (Jan. 2021).

has also fired several independent agency heads, including those responsible for safeguarding whistleblowers, investigating prohibited personnel practices, and adjudicating claims of unlawful termination of federal employees.¹⁷⁰ Many agency leaders have challenged their removals in court and their cases remain pending.¹⁷¹ Despite decades of precedent, the Supreme Court appears to be headed towards an eventual ruling that may allow the Trump administration to remove Commissioners and Members from multi-member independent bodies with certain removal protections.¹⁷² In a dissenting opinion, Justice Kagan, joined by Justices Sotomayor and Jackson wrote, [o]nce again, this Court uses its emergency docket to destroy the independence of an independent agency, as established by Congress.”¹⁷³

Over 75,000 federal employees accepted the administration’s Deferred Resignation Program, allowing federal employees to quit their job but still receive pay and benefits through the end of September 2025.¹⁷⁴ Currently, the federal government is paying these employees not to work. The terms and implementation of this program, however, raise several constitutional and legal concerns.¹⁷⁵

¹⁷⁰ President Trump has terminated agency heads responsible for safeguarding whistleblowers and investigating prohibited personnel practices (Office of Special Counsel); adjudicating claims of unlawful termination of federal employees (Merit Systems Protection Board); protecting private-sector employee rights from unfair labor practices (National Labor Relations Board); ensuring compliance with federal labor statutes (Federal Labor Relations Authority); and protecting consumers from harmful anticompetitive practices and consumer products (Federal Trade Commission, Consumer Product Safety Commission).

¹⁷¹ See, e.g., *Dellinger v. Bessent*, D.D.C. (No. 25-cv-385) (former Special Counsel Dellinger dropped his lawsuit on Mar. 6, 2025); *Harris v. Bessent, et al.*, D.D.C. (No. 25-cv-5037) (Supreme Court granted the government’s request to stay the D.C. Circuit’s ruling reinstating the district court’s order granting summary judgment pending appeal); *Wilcox v. Trump, et al.*, D.D.C. (No. 25-cv-5057) (Supreme Court granted the government’s request to stay the D.C. Circuit’s ruling reinstating the district court’s order granting summary judgment pending appeal); *Grundmann v. Trump, et al.*, D.D.C. (No. 25-cv-425) (D.C. Circuit granted the government’s request to stay the district court’s ruling granting summary judgment pending appeal); *Slaughter and Bedoya v. Trump, et al.*, D.D.C. (No. 25-cv-0909) (D.C. Circuit granted the government’s request to stay the district court’s ruling granting summary judgment pending appeal); *Boyle v. Trump, et al.*, D. Md. (No. 25-cv-1628) (Supreme Court granted the government’s request to stay the lower court’s summary judgment and preliminary injunction).

¹⁷² See, e.g., *Humphrey’s Executor v. United States*, 295 U.S. 602 (1935); *Wiener v. United States*, 357 U.S. 349 (1958); *Selia Law LLC v. Consumer Financial Protection Bureau*, 591 U.S. 207 (2020); *Trump, et al., v. Wilcox, et al.*, 605 U.S. ____ (2025); *Trump, et al., v. Boyle, et al.*, 606 U.S. ____ (2025).

¹⁷³ *Trump, et al., v. Boyle, et al.*, 606 U.S. ____ (2025) (Kagan, J., dissenting).

¹⁷⁴ OPM: 75,000 workers took Trump, Musk government buyout, The Hill (Feb. 12, 2025) (<https://thehill.com/regulation/court-battles/5142311-opm-75000-workers-took-trump-musk-government-buyout/>); Office of Personnel Management, *Fork in the Road* (accessed Feb. 10, 2025) (<https://www.opm.gov/fork/>); U.S. government officials privately warn Musk’s blitz appears illegal, Washington Post (Feb. 4, 2025) (<https://www.washingtonpost.com/business/2025/02/04/elon-musk-government-legal-doge/>).

¹⁷⁵ See Nick Bednar, *Breaking Down OPM’s ‘Fork in the Road’ Email to Federal Workers*, Lawfare (Jan. 30, 2025) (<https://www.lawfaremedia.org/article/breaking-down-opm-s--fork-in-the-road--email-to-federal-workers>); Nick Bednar, *Will Employees Who Resign Have a Remedy?*, Lawfare (Feb. 4, 2025) (<https://www.lawfaremedia.org/article/will-employees-who-resign-have-a-remedy>).

Following the deferred resignation offers, the Trump administration turned to mass firings of probationary workers, then permanent employees.¹⁷⁶ Several lawsuits have since been filed contesting these actions and remain pending.¹⁷⁷ In *American Federation of Government Employees, AFL-CIO v. Trump*, a lawsuit challenging the constitutionality and legality of President Trump’s February 11 executive order that agency heads “shall promptly undertake preparations to initiate large-scale [RIFs], consistent with applicable law,” a federal court granted a preliminary injunction halting “further RIFs and reorganization of the executive branch for the duration of this lawsuit.” The court found,

Congress creates federal agencies, funds them, and gives them duties that—by statute—they must carry out. Agencies may not conduct large-scale reorganizations and reductions in force in blatant disregard of Congress’s mandates, and a President may not initiate large-scale executive branch reorganization without partnering with Congress. For this reason, nine Presidents over the last one hundred years have sought and obtained authority from Congress to reorganize the executive branch. Other Presidents—including President George W. Bush, President Obama, and President Trump in his first term—asked Congress for agency reorganization authority but did not receive it.¹⁷⁸

After the Ninth Circuit denied the Trump administration’s request to stay the preliminary injunction, the administration filed an emergency appeal with the Supreme Court.¹⁷⁹ In a July 8 ruling, the Supreme Court stayed the district court’s preliminary injunction pending the disposition of litigation in the Ninth Circuit. In a brief opinion, the Supreme Court stated that it found the Executive Order to be lawful, but “[w]e express no view on the legality of any Agency

¹⁷⁶ See, e.g., *Federal probationary workers left in limbo amid legal challenges to mass firings*, CBS News (Apr. 6, 2025) (<https://www.cbsnews.com/news/probationary-workers-in-limbo-legal-battles-over-their-firings-continue/>); *Education Department announces mass layoffs as executive order looms*, Politico (Mar. 11, 2025) (<https://www.politico.com/news/2025/03/11/education-department-close-security-00224406>); *HHS carries out mass firings across health agencies after Supreme Court decision*, CNN (July 14, 2025) (<https://www.cnn.com/2025/07/14/health/hhs-layoffs-supreme-court>).

¹⁷⁷ See, e.g., Just Security, *Litigation Tracker: Legal Challenges to Trump Administration Actions* (<https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/>) (accessed Aug. 7, 2025).

¹⁷⁸ Exec. Order No. 14210, 90 Fed. Reg. 9669 (Feb. 11, 2025); Order Granting Preliminary Injunction (May 22, 2025), *American Federation of Government Employees, AFL-CIO, et al., v. Trump, et al.*, N.D. Cal. (No. 25-cv-3698).

¹⁷⁹ Notice of Appeal (May 23, 2025), *American Federation of Government Employees, AFL-CIO, et al., v. Trump, et al.*, N.D. Cal. (No. 25-cv-3698); Order (June 2, 2025), *American Federation of Government Employees, AFL-CIO, et al., v. Trump, et al.*, 9th Cir. (No. 25-3293); Application to Stay the Order Issued by the United States District Court for the Northern District of California and Request for an Immediate Administrative Stay (June 2, 2025) *Trump, et al., v. American Federation of Government Employees, AFL-CIO, et al.*, Supreme Court of the United States (No. 24A1174).

RIF and Reorganization Plan produced or approved pursuant to the Executive Order and Memorandum.”¹⁸⁰

Following the Supreme Court’s order, the administration – reportedly citing the Supreme Court’s ruling – sent Department of Health and Human Services (HHS) employees an email continuing its RIFs.¹⁸¹ To date, reports indicate that HHS has cut approximately 25 percent of its staff.¹⁸² CDC has had to deny – for the first time ever – a local public health department’s request for assistance with mitigating lead in schools.¹⁸³ Reports also indicate that federal employees responsible for critical government services, such as ensuring food safety, monitoring the bird flu outbreak, securing nuclear weapons, overseeing medical devices, and supporting foreign drug inspections, were fired and then subsequently rehired.¹⁸⁴ Other federal employees responsible for responding to the risks of Ebola outbreaks around the world, however, were simply fired.¹⁸⁵

The administration’s actions to abruptly gut large portions of the federal workforce have also increased U.S. national security risks. The Naval Criminal Investigative Service reportedly assessed with “high confidence” that foreign adversaries are now targeting recently fired federal employees through LinkedIn and other online sources.¹⁸⁶ Mass firings of federal employees have hollowed out key national security and cybersecurity components, such as the Cybersecurity and Infrastructure Security Agency, responsible for identifying security vulnerabilities and

¹⁸⁰ *Trump, et al., v. American Federation of Government Employees, et al.*, 606 U.S. ____ (2025).

¹⁸¹ *HHS terminates employees after Supreme Court allows reduction in force to proceed*, Fierce Biotech (Jul. 15, 2025) (<https://www.fiercebiotech.com/biotech/hhs-terminates-employees-after-supreme-court-allows-reduction-force-proceed>).

¹⁸² *HHS finalizes ‘portion’ of employee layoffs following Supreme Court ruling*, Federal News Network (July 14, 2025) (<https://federalnewsnetwork.com/workforce/2025/07/hhs-finalizes-portion-of-employee-layoffs-following-supreme-court-ruling/>).

¹⁸³ *CDC denies Milwaukee’s request for help with unsafe lead levels in public schools*, CNN (Apr. 11, 2025) (www.cnn.com/2025/04/11/health/cdc-milwaukee-schools-lead/index.html); *CDC’s childhood lead program is still defunct, despite Kennedy’s claims*, NBC News (May 22, 2025) (<https://www.nbcnews.com/health/kids-health/cdcs-childhood-lead-program-still-defunct-kennedys-claims-rcna208047>).

¹⁸⁴ *See, e.g., F.D.A. Scientists Are Reinstated at Agency Food Safety Labs*, New York Times (Apr. 25, 2025) (<https://www.nytimes.com/2025/04/25/health/fda-food-safety-trump-layoffs.html>); *Agriculture Department Moves to Rehire Some Bird Flu Response Workers*, New York Times (Feb. 20, 2025)

(<https://www.nytimes.com/2025/02/20/us/politics/bird-flu-fired-workers.html>); *Trump administration fires and then tries to rehire nuclear weapons workers in DOGE reversal*, CBS News (Feb. 17, 2025)

(<https://www.cbsnews.com/news/doge-firings-us-nuclear-weapons-workers-reversing/>); *FDA moves to rehire medical device, food safety and other staffers fired days earlier*, AP News (Feb. 24, 2025)

(<https://apnews.com/article/fda-layoffs-trump-doge-rehired-medical-devices-85d4743e4ce88dbe3b99c813bad4b702>); *FDA Layoffs Could Compromise Safety of Medications Made at Foreign Factories, Inspectors Say*, ProPublica (July 7, 2025) (<https://www.propublica.org/article/fda-cuts-drug-factory-inspections>); *FDA to rehire fired staffers who booked inspection trips, but other workers remain in limbo*, STAT News (May 1, 2025) (<https://www.statnews.com/2025/05/01/fda-rehire-fired-staffers-who-booked-inspection-trips/>).

¹⁸⁵ *U.S. Canceled Work to Contain a Serious Ebola Outbreak*, New York Times (Feb. 27, 2025) (<https://www.nytimes.com/2025/02/27/health/musk-ebola-funding.html>).

¹⁸⁶ *Exclusive: US intel shows Russia and China are attempting to recruit disgruntled federal employees, sources say*, CNN (Mar. 1, 2025) (<https://www.cnn.com/2025/02/28/politics/us-intel-russia-china-attempt-recruit-disgruntled-federal-employees>).

investigating the recent China-backed Salt Typhoon hack.¹⁸⁷ After the Trump administration’s sweeping funding and personnel cuts to scientific research – stalling critical medical studies and putting our future scientific workforce at risk – China is now bolstering its recruitment efforts, encouraging U.S. scientists to work in their labs as China continues to make targeted investments to fuel innovations in medicine, engineering, and technology.¹⁸⁸

II. DEFIANCE OF COURT ORDERS

The Trump administration has failed to comply with numerous orders issued by federal courts, circuit courts, and even the Supreme Court. A recent analysis conducted by the Washington Post concluded that the administration is alleged to have failed to comply with court orders in at least 38 cases.¹⁸⁹ President Trump and his administration have also launched attacks on judges appointed by presidents of both parties, weakening the public’s trust in the judiciary.

A. Failure to Comply with Court Orders on Agency Closure and Funding Freezes

The Trump administration has failed to comply with multiple district court orders prohibiting it from taking actions to dismantle the CFPB. After a federal judge found that the administration had unlawfully attempted to “dismantle and shut down” the CFPB and prohibited the government from terminating any CFPB employee, the Trump administration issued an even larger RIF terminating over 1,400 employees – more than 80 percent of its workforce – in direct defiance of the court’s order.¹⁹⁰ Throughout the court’s evidentiary hearings, it found that statements submitted by the government to the court were “highly misleading, if not intentionally false[,]” and “so disingenuous that the Court is left with little confidence that the defense can be trusted to tell the truth about anything.”¹⁹¹

¹⁸⁷ *Mass federal layoffs will hurt cybersecurity, former top US security official says*, Reuters (Mar. 5, 2025) (<https://www.reuters.com/technology/cybersecurity/mass-federal-layoffs-will-hurt-cybersecurity-former-top-us-security-official-2025-03-05/>); *CISA loses nearly all top officials as purge continues*, CybersecurityDive (May 27, 2025) (<https://www.cybersecuritydive.com/news/cisa-senior-official-departures/748992/>); *CISA found Salt Typhoon hackers in federal networks before discovering its massive telco operation*, PoliticoPro (Jan. 15, 2025) (<https://subscriber.politicopro.com/article/2025/01/cisa-found-chinese-salt-typhoon-hackers-that-hacked-telecoms-on-federal-networks-00198455>).

¹⁸⁸ *Scientists warn US will lose a generation of talent because of Trump cuts*, Guardian (July 3, 2025) (<https://www.theguardian.com/us-news/2025/jul/03/national-science-foundation-trump-cuts>); *China Really Wants to Attract Talented Scientists. Trump Just Helped*, New York Times (June 4, 2025) (<https://www.nytimes.com/2025/06/04/world/asia/trump-science-visa-china.html>); Mercator Institute for China Studies, *Lab leader, market ascender: China's rise in biotechnology* (Apr. 24, 2025) (<https://merics.org/en/report/lab-leader-market-ascender-chinas-rise-biotechnology>).

¹⁸⁹ *Trump officials accused of defying 1 in 3 judges who ruled against him*, Washington Post (July 21, 2025) (<https://www.washingtonpost.com/politics/2025/07/21/trump-court-orders-defy-noncompliance-marshals-judges/>).

¹⁹⁰ Memorandum Opinion (Mar. 28, 2025), *National Treasury Employees Union v. Vought*, D.D.C. (No. 25-cv-381); Order (Apr. 18, 2025), *National Treasury Employees Union v. Vought*, D.D.C. (No. 25-cv-381); Order (Feb. 14, 2025), *National Treasury Employees Union v. Vought*, D.D.C. (No. 25-cv-38).

¹⁹¹ Memorandum Opinion (Mar. 28, 2025), *National Treasury Employees Union v. Vought*, D.D.C. (25-cv-381).

Weeks later, on April 17, Plaintiffs informed the court that the Trump administration sent out RIFs earlier that day, which would reportedly impact 1,400-1,500 CFPB employees.¹⁹² The following day, the court held a hearing and after receiving testimony from both parties, the court barred the Trump administration from implementing its April 17 RIF and prohibited it from discontinuing CFPB employees' access to work systems, such as email and other internal platforms.¹⁹³ In its order, the court noted that it “has significant grounds for concern that the defendants are not in compliance with its Order as it was refined by the Court of Appeals.”¹⁹⁴ The Trump administration appealed this ruling and on August 15, in a 2-1 decision, the Court of Appeals for the District of Columbia Circuit found that the district court did not have jurisdiction to hear some of Plaintiffs' claims and vacated the district court's preliminary injunction.¹⁹⁵ This litigation remains ongoing.

Federal courts have also found that the Trump administration shifted its explanations for its federal funding freezes or delayed compliance with orders to undo those freezes. Below are two examples.

In *State of New York v. Trump*, where 22 states and the District of Columbia sued the administration for unlawfully freezing Congressionally authorized funds (discussed in Section I), a federal judge issued four separate orders – one each month – repeatedly finding the freezes to be unlawful and directing the administration to comply with its orders.¹⁹⁶

- On January 31, a federal judge granted a temporary restraining order prohibiting the Trump administration from freezing federal funds.¹⁹⁷
- On February 10, the judge found the Trump administration violated his order to halt its funding freeze after states provided evidence showing the Trump administration “continued to improperly freeze federal funds and refused to resume disbursement of appropriated federal funds.”¹⁹⁸ The court again ordered the Trump administration to “immediately restore frozen funding” and “immediately end any federal funding pause[.]”¹⁹⁹
- On March 6, the court granted a preliminary injunction prohibiting the Trump administration from “pausing, freezing, blocking, canceling, suspending, terminating,

¹⁹² Motion for Order to Show Cause, *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (25-cv-381).

¹⁹³ Order (Apr. 18, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (25-cv-381).

¹⁹⁴ Order (Apr. 18, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.D.C. (25-cv-381).

¹⁹⁵ Opinion (Aug. 15, 2025), *National Treasury Employees Union, et al., v. Vought, et al.*, D.C. Cir. (No. 25-5091) (holding the court did not have jurisdiction to consider Plaintiffs' employment-related claims, that Plaintiffs' claim under the Administrative Procedure Act did not challenge a final agency action, and that Plaintiffs' failed to sufficiently raise constitutional claims).

¹⁹⁶ Orders (Jan. 31, 2025; Feb. 10, 2025; Mar. 6, 2025; Apr. 4, 2025), *State of New York, et al. v. Trump, et al.* D.R.I. (No. 25-cv-39).

¹⁹⁷ Temporary Restraining Order (Jan. 31, 2025), *New York, et al., v. Trump, et al.*, D.R.I. (No. 25-cv-39).

¹⁹⁸ Order (Feb. 10, 2025), *New York, et al., v. Trump, et al.*, D.R.I. (No. 25-cv-39).

¹⁹⁹ Order (Feb. 10, 2025), *New York, et al., v. Trump, et al.*, D.R.I. (No. 25-cv-39).

or otherwise impeding the disbursement of appropriated federal funds to the States[.]”²⁰⁰ Even after the court’s preliminary injunction, the Trump administration continued to withhold funding.

- Over two months after its first order, on April 4, the court granted the Plaintiffs’ motion to enforce the preliminary injunction, finding the states “presented undisputed evidence” that the Trump administration had yet to process the funds at issue and directing FEMA to “immediately comply with the plain text of the preliminary injunction order not to pause or otherwise impede the disbursement of appropriated federal funds to the States[.]”²⁰¹

In *AIDS Vaccine Advocacy Coalition v. Department of State and Global Health Council v. Trump*, several nonprofit organizations sued the Trump administration for nonpayment of work after the administration froze foreign aid funds. Since February, the judge in the case has already issued six separate orders directing the administration to obligate funds Congress had already appropriated for foreign assistance, finding that the administration’s unilateral termination of Congressionally authorized funding was unlawful.²⁰²

- On February 13, the court granted a temporary restraining order prohibiting the Trump administration from “suspending, pausing, or otherwise preventing the obligation or disbursement of appropriated foreign-assistance funds[.]”²⁰³
- After plaintiffs in the case informed the court that the Trump administration was not complying with its initial order, on February 20, the judge again ordered the defendants to comply with the temporary restraining order issued on February 13.²⁰⁴
- On February 25, the court, in an oral ruling from the bench, found that “[p]laintiffs have submitted evidence that defendants have not lifted the suspension or freeze of funds as the TRO required[.]” noting “defendants were not able to provide any specific examples of unfreezing funds pursuant to the Court’s TRO.” The court directed the Trump administration to make payments on “all contracts for work completed” before February 13.²⁰⁵

²⁰⁰ Memorandum and Order (Mar. 6, 2025), *New York, et al., v. Trump, et al.*, D.R.I. (No. 25-cv-39).

²⁰¹ Memorandum and Order (Apr. 4, 2025), *New York, et al., v. Trump, et al.*, D.R.I. (No. 25-cv-39).

²⁰² See, e.g., Order (Feb. 13, 2025); Order granting Plaintiffs’ motion to enforce the Temporary Restraining Order (Feb. 20, 2025); Order directing the government to make outstanding payments to plaintiffs (Feb. 25, 2025); Order directing the government to make outstanding payments to plaintiffs (Mar. 6, 2025); Order granting-in-part a Preliminary Injunction (Mar. 10, 2025); Order granting in-part Plaintiffs’ motion to enforce the preliminary injunction (July 21, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

²⁰³ Order (Feb. 13, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

²⁰⁴ Order (Feb. 20, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

²⁰⁵ Transcript on Motion Hearing (Feb. 25, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

- The Supreme Court subsequently denied the Trump administration’s request to block this order.²⁰⁶
- After still failing to comply, on March 6, the judge ordered the Trump administration to pay outstanding balances to the plaintiffs by Monday, March 10.²⁰⁷
- On March 10, 2025, the court issued yet another order prohibiting the Trump administration from “unlawfully impounding congressionally appropriated foreign aid funds” and ordering the government to “make available for obligation the full amount of funds that Congress appropriated for foreign assistance programs[.]”²⁰⁸
- On July 21, the court issued an order granting plaintiffs’ motion to enforce the preliminary injunction, noting “[t]he court’s preliminary injunction did not include any exception for Defendants to evade its terms through post hoc explanations for terminations, and the Court has previously rejected similar attempts by Defendants.”²⁰⁹

Following the Trump administration’s continued noncompliance with the court’s rulings, the court noted that the administration has represented it “can and will obligate the funds” before August 15, 2025.²¹⁰ In an August 13 D.C. Circuit opinion, the court found that the “government has paid out substantially all of the amounts owed on existing contracts for work completed between January 20 and February 13, as required by the part of the district court’s injunction that is not on appeal.”²¹¹ However, the D.C. Circuit vacated the portion of the district court’s preliminary injunction that required the government to “make available for obligation the full amount of funds that Congress appropriated for foreign assistance programs.”²¹²

²⁰⁶ *U.S. Department of State, et al. v. AIDS Vaccine Advocacy Coalition, et al.*, 604 U.S. ____ (2025). In its ruling, the Supreme Court directed the district court to “clarify what obligations the Government must fulfill to ensure compliance with the temporary restraining order, with due regard for the feasibility of any compliance timelines.”

²⁰⁷ Transcript on Motion Hearing (Mar. 6, 2025), *AIDS Vaccine Advocacy Coalition et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

²⁰⁸ Order (Mar. 10, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

²⁰⁹ Order (July 21, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402).

²¹⁰ Order (July 21, 2025), *AIDS Vaccine Advocacy Coalition, et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402); *see also* Order (Feb. 22, 2025), *AIDS Vaccine Advocacy Coalition et al., v. U.S. Department of State, et al.*, D.D.C. (No. 25-cv-400) and *Global Health Council, et al., v. Trump, et al.*, D.D.C. (No. 25-cv-402) (stating “Defendants cannot simply come up with a new post-hoc rationalization in an attempt to justify the action that was temporarily enjoined as likely arbitrary and capricious for what it failed to consider”).

²¹¹ Opinion (Aug. 13, 2025), *Global Health Council, et al., v. Trump, et al.*, D.C. Cir. (No. 25-5097).

²¹² Opinion (Aug. 13, 2025), *Global Health Council, et al., v. Trump, et al.*, D.C. Cir. (No. 25-5097).

B. Failure to Comply with Court Orders Prohibiting Deportations without Due Process

On the evening of March 14, the Trump administration rushed hundreds of noncitizens from Immigration and Customs Enforcement (ICE) detention centers across the country to Texas in order to be boarded on planes that would be sent to a prison in El Salvador known as the Center for Terrorism Confinement (“CECOT”).²¹³ Only after the Trump administration boarded the detainees onto these planes and only moments before those planes were scheduled to depart, did the Trump administration announce that it was invoking an 18th century wartime law called the Alien Enemies Act (AEA) as justification for its actions.²¹⁴

To satisfy the AEA’s requirement that there be “a declared war ... invasion or predatory incursion” against the United States by “any foreign nation or government[,]” the Trump administration claimed the detainees were members of Tren de Aragua, a Venezuelan criminal gang it had designated as a Foreign Terrorist Organization, and that the gang’s existence in the U.S. constituted an invasion.²¹⁵ While several courts have subsequently found the administration’s invocation of the AEA without merit, at the time, none of the individuals put on these planes had an opportunity to go before a judge to argue that they were not members of this gang to avoid being sent to a foreign prison.²¹⁶

The following day, on March 15, “having caught wind of the forthcoming Proclamation and the summary removals planned under it,” attorneys filed a lawsuit, *J.G.G. v. Trump*, in the District of Columbia naming five individuals it knew were subject to removal and requested a

²¹³ See Memorandum Opinion (Mar. 24, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766 Transcript on Motion Hearing (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766); *Trump administration deports hundreds of alleged gang members to El Salvador despite court ruling*, CNN (Mar. 17, 2025) (<https://www.cnn.com/2025/03/16/politics/trump-administration-deportations-alien-enemies-act>); *Trump’s 48-hour scramble to fly migrants to a Salvadoran prison*, Washington Post (May 4, 2025) (www.washingtonpost.com/immigration/2025/05/04/trump-el-salvador-alien-enemies-act-venezuelans/).

²¹⁴ *Trump, et al., v. J.G.G., et al.*, 604 U.S. ____ (2025) (Sotomayor, J., dissenting) (stating “[n]ot until an hour before the District Court’s scheduled hearing, and only moments before the Government planned to send its planes off to El Salvador, did the White House finally publish the Proclamation on its website”); Proclamation No. 10903, 90 Fed. Reg. 13033 (Mar. 14, 2025); White House, *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua* (Mar. 15, 2025) (<https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/>).

²¹⁵ See 50 U.S.C. § 21; Proclamation No. 10903, 90 Fed. Reg. 13033 (Mar. 14, 2025) (“[A]s a Foreign Terrorist Organization...TdA is perpetrating, attempting, and threatening an invasion or predatory incursion against the territory of the United States...at the direction...of the Maduro regime in Venezuela.”); Ania Zolyniak, *Can Trump Invoke the Alien Enemies Act?*, Lawfare (Feb. 13, 2025) (www.lawfaremedia.org/article/can-trump-invoke-the-alien-enemies-act).

²¹⁶ See, e.g., Order (May 14, 2025), *G.F.F., et al., v. Trump et al.*, S.D.N.Y. (No. 25-cv-2886); Order and Opinion (May 1, 2025), *J.A.V. et al., v. Trump et al.*, S.D. Tex. (No. 25-cv-72); Memorandum Opinion and Order Granting Petition and Issuing Writ of Habeas Corpus (June 9, 2025), *M.A.P.S., et al. v. Garite, et al.*, W.D. Tex. (No. 25-cv-171); Complaint (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766).

temporary restraining order prohibiting the government from carrying out these removals.²¹⁷ The court granted the temporary restraining order the same day.²¹⁸ Counter to the administration's claims, some of the detainees sought asylum in the U.S. because they were victims targeted by Tren de Aragua and had been granted permission to live and work in the United States.²¹⁹

The Trump administration was aware of this lawsuit contesting the legality of its intended actions before any planes departed for El Salvador.²²⁰ It was also aware that a federal judge scheduled an emergency hearing on the matter that same day.²²¹ During the emergency hearing on March 15, which began at 5:00 p.m., two planes departed for El Salvador – one at around 5:25 p.m. and the other at about 5:45 p.m. – despite an oral order during the hearing from the federal judge that “any plane containing [the detainees] that is going to take off or is in the air needs to be returned to the United States[.]”²²² The district court judge found that Trump administration did not comply with its court's order and instead “continued the hurried removal operation[,]” transferring “two planeloads of passengers protected by the [court's order,]” to CECOT without any chance to contest that they were not who the government said they were.²²³ Subsequent reports from a former Department of Justice (DOJ) whistleblower, which are now reportedly corroborated by a second whistleblower, allege that a top DOJ official stated “that it might become necessary to tell a court ‘fuck you’” to implement the administration's removal priorities.²²⁴ Despite these allegations and without conducting any hearings to assess the

²¹⁷ Order (Mar. 26, 2025); *J.G.G. v. Trump*, D.C. Cir. (No. 25-5067) (Millett, P., concurring); *see also* Complaint (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766).

²¹⁸ Minute Order (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766); *see also*, Order (Mar. 26, 2025); *J.G.G. v. Trump*, D.C. Cir. (No. 25-5067) (denying the Trump administration's motion to stay the TRO).

²¹⁹ *See* Complaint (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766); Memorandum Opinion (Mar. 24, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766); Order (Mar. 26, 2025), *J.G.G., et al., v. Trump, et al.*, D.C. Cir. (No. 25-5067); David J. Bier, *50+ Venezuelans Imprisoned in El Salvador Came to US Legally, Never Violated Immigration Law*, Cato Institute (May 19, 2025) (<https://www.cato.org/blog/50-venezuelans-imprisoned-el-salvador-came-us-legally-never-violated-immigration-law>).

²²⁰ Complaint (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766); Minute Order (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766); Memorandum Opinion (Mar. 24, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766).

²²¹ Minute Order (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766) (ordering the parties to appear for a Zoom hearing at 5:00 p.m.).

²²² Memorandum Opinion (Apr. 16, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766) citing Transcript on Motion Hearing (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766); Transcript on Motion Hearing (Mar. 15, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766).

²²³ Memorandum Opinion (Apr. 16, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766). On April 16, the district court determined “the government's actions on [March 15] demonstrate[d] a willful disregard for its Order, sufficient for the Court to conclude that probable cause exists to find the Government in criminal contempt.” Memorandum Opinion (Apr. 16, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766). The government appealed this ruling and in a 2-1 decision on August 8, the Court of Appeals for the District of Columbia Circuit vacated the district court's probable cause order. *See* Opinion (Aug. 8, 2025), *J.G.G., et al., v. Trump, et al.*, D.C. Cir. (No. 25-5124).

²²⁴ *See* Letter from Dana L. Gold, Andrea Meza, and Kevin L. Owen, Counsel for Erez Reuveni to Michael E. Horowitz, Inspector General, Department of Justice; Jamieson Greer, Acting Special Counsel, Office of Special Counsel; Hon. Chuck Grassley, Chair and Hon. Richard J. Durbin, Ranking Member, Senate Committee on the

credibility of the whistleblowers' claims, that DOJ official, President Trump's former defense lawyer Emil Bove, recently became a federal judge after Senate Republicans voted to give him a lifetime appointment to the U.S. Court of Appeals for the Third Circuit.²²⁵

On April 7, the Supreme Court held in *J.G.G. v. Trump* that “the detainees subject to removal orders under the [Alien Enemies Act] [were] entitled to notice and an opportunity to challenge their removal.”²²⁶ Because the Court found that the detainees should have brought their cases in the jurisdiction where they were being detained through habeas corpus petitions, it vacated the district court's temporary restraining order.

Despite the Supreme Court's ruling that the government must provide notice “within a reasonable time and in such a manner as will allow [the detainees] to actually seek habeas relief in the proper venue before such removal occurs” the Trump administration continued its hurried efforts to deport detainees.²²⁷ For example, in the Northern District of Texas a federal judge denied detainees' request for a temporary restraining order after the Trump administration told the court on April 16 that it “does not presently expect to remove [petitioners] under the [AEA]” until after their habeas petitions are resolved.²²⁸ Two days later, on April 18, however, the administration began issuing notices (in English) to detainees in the Northern District of Texas threatening deportation if they did not sign the notice – the very action it told the court it would not do.²²⁹

After the district court again denied plaintiffs' emergency request for a temporary restraining order on April 18, that same day plaintiffs simultaneously appealed the district court's ruling to the Fifth Circuit (which was subsequently dismissed as premature) and filed an

Judiciary; Hon. Jim Jordan, Chair and Hon. Jamie Raskin, Ranking Member, House Committee on the Judiciary (June 24, 2025); July 1, 2025 Addendum to June 24, 2025 Protected Whistleblower Disclosure of Mr. Erez Reuveni Submitted Pursuant to 5 U.S.C. § 2302 and 5 U.S.C. § 1213; Whistleblower Aid: *Whistleblower Aid client and former DOJ attorney corroborates the thrust of the allegations against Emil Bove* (July 25, 2025) (stating “a former Department of Justice (DOJ) attorney has lawfully disclosed evidence to the DOJ's Office of the Inspector General that corroborates the thrust of the whistleblower claims regarding Emil Bove and other senior DOJ officials actively and deliberately undermining the rule of law”); *see also Justice Dept. Leader Suggested Violating Court Orders, Whistle-Blower Says*, New York Times (June 24, 2025) (<https://www.nytimes.com/2025/06/24/us/politics/justice-department-emil-bove-trump-deportations-reuveni.html>); *Another whistleblower claims that top DOJ official suggested department could ignore court orders*, CNN (July 27, 2025) (<https://edition.cnn.com/2025/07/27/politics/justice-department-official-second-whistleblower>).

²²⁵ *See Senate confirms Trump lawyer Emil Bove for appeals court, pushing past whistleblower claims*, AP News (July 29, 2025) (<https://apnews.com/article/emil-bove-confirmation-whistleblowers-trump-republicans-democrats>).

²²⁶ *Trump, et al., v. J.G.G., et al.*, 604 U.S. ____ (2025).

²²⁷ *See Trump, et al., v. J.G.G., et al.*, 604 U.S. ____ (2025); Petitioners-Plaintiffs' Renewed Emergency Application for Temporary Restraining Order (Apr. 18, 2025), *A.A.R.P., et al., v. Trump, et al.*, N.D. Tex. (No. 25-cv-059).

²²⁸ Response to Motion for Temporary Restraining Order (Apr. 16, 2025), *A.A.R.P., et al., v. Trump, et al.*, N.D. Tex. (No. 25-cv-059).

²²⁹ *See* Petitioners-Plaintiffs' Renewed Emergency Application for Temporary Restraining Order (Apr. 18, 2025), *A.A.R.P., et al., v. Trump, et al.*, N.D. Tex. (No. 25-cv-059).

emergency application requesting an injunction in the Supreme Court.²³⁰ At 12:52 a.m. eastern time on April 19, the Supreme Court issued an order directing the government “not to remove any member of the putative class of detainees from the United States until further order of this Court.”²³¹ On April 21, the detainees, citing concerns that the government’s notice “does not comport” with the Supreme Court’s April 7 order, requested that the Court treat its emergency application as a petition for *certiorari*.²³² In a May 16 per curium decision, the Supreme Court granted detainees’ petition for *certiorari* and application for an injunction “pending further proceedings,” holding that “notice roughly 24 hours before removal, devoid of information about how to exercise due process rights to contest that removal, surely does not pass muster.”²³³

Since the administration’s invocation of the AEA, there have been a considerable number of legal challenges through habeas petitions contesting the use of the AEA to detain and remove individuals.²³⁴ Courts have issued varying decisions on the President’s invocation of the AEA and whether it exceeded the President’s authority with the majority of courts blocking removals under the AEA.²³⁵ In one case, a federal judge issued a permanent injunction finding that “the historical record renders clear that the President’s invocation of the AEA through the Proclamation exceeds the scope of the statute and is contrary to the plain, ordinary meaning of the statute’s terms.”²³⁶ These lawsuits remain ongoing and the issue of whether the President’s March 14 invocation of the AEA to remove noncitizens exceeds the President’s constitutional authority has not yet reached the Supreme Court.

²³⁰ Order (Apr. 17, 2025), *A.A.R.P., et al., v. Trump, et al.*, N.D. Tex. (No. 25-cv-059); Petitioners’ Opposed Emergency Motion for a Temporary Administrative Injunction and an Injunction Pending Appeal or a Writ of Mandamus (Apr. 18, 2025), *A.A.R.P., et al., v. Trump, et al.*, 5th Cir. (No. 25-10534); Unpublished Order (Apr. 18, 2025), *A.A.R.P., et al., v. Trump, et al.*, 5th Cir. (No. 25-10534); Emergency Application for an Emergency Injunction or Writ of Mandamus, Stay of Removal, and Request for an Immediate Administrative Injunction (Apr. 18, 2025), *A.A.R.P., et al., v. Trump, et al.*, U.S. Sup. Ct. (No. 24A1007).

²³¹ Order in Pending Case (Apr. 19, 2025), *A.A.R.P., et al., v. Trump, et al.*, Supreme Court of the United States (No. 24A1007).

²³² Reply in Support of Emergency Application for an Emergency Injunction or Writ of Mandamus, Stay of Removal, and Request for an Immediate Administrative Injunction (Apr. 21, 2025), *A.A.R.P., et al., v. Trump, et al.*, Supreme Court of the United States (No. 24A1007).

²³³ *A.A.R.P., et al., v. Trump, et al.*, 605 U.S. ____ (2025) (per curiam).

²³⁴ See, e.g., *Agelviz-Sanguino v. Noem*, S.D. Tex. (No. 25-cv-2116); *A.S.R. v. Trump*, W.D. Pa. (No. 25-cv-113); *Millan v. Trump*, C.D. Ca. (No. 25-cv-1207); *D.B.U. v. Trump*, D. Colo. (No. 25-cv-1163); *G.F.F. v. Trump*, S.D.N.Y. (No. 25-cv-02886); *A.S.R. v. Trump*, W.D. Pa. (No. 25-cv-113); *W.J.C.C. v. Trump*, W.D. Pa. (No. 25-cv-153); *M.A.P.S. v. Garite*, W.D. Tex. (No. 25-cv-171); *Sanchez Puentes v. Garite*, W.D. Tex. (No. 25-cv-127); *Y.A.P.A v. Trump*, M.D. Ga. (No. 25-cv-144).

²³⁵ See, e.g., Order (May 6, 2025), *D.B.U. v. Trump*, D. Colo. (No. 25-cv-1163); Opinion and Order Granting Preliminary Injunction (May 6, 2025), *G.F.F. et al., v. Trump, et al.*, S.D.N.Y. (No. 25-cv-2886); Final Judgement and Permanent Injunction (June 9, 2025) *M.A.P.S. v. Garite*, W.D. Tex. (No. 25-cv-171); Opinion (May 13, 2025), *A.S.R. v. Trump, et al.*, W.D. Pa. (25-cv-113) (finding the President’s Proclamation complied with the AEA but required that the government provide due process prior to removal).

²³⁶ Order and Opinion (May 1, 2025), *J.A.V., et al. v. Trump, et al.*, S.D. Tex. (No. 25-cv-72).

C. Failure to Comply with Court Orders After Wrongfully Deporting Individuals without Due Process

In its haste to deport noncitizens without due process, the Trump administration deported at least two individuals who never should have been sent to El Salvador. One individual was Kilmar Armando Abrego Garcia, who was arrested and detained on March 12 without any lawful basis and subsequently deported to El Salvador's CECOT prison.²³⁷ A federal judge found that Mr. Abrego Garcia's deportation violated a 2019 immigration court order granting him withholding of removal and prohibiting him from being deported to his home country of El Salvador because he would likely face persecution there.²³⁸

The government admitted Mr. Abrego Garcia's deportation was due to an "administrative error" and conceded that he "should not have been removed to El Salvador."²³⁹ However, instead of correcting this egregious error, the Trump administration fired fifteen year DOJ veteran attorney Erez Reuveni, the Acting Deputy Director of the Department of Justice's Office of Immigration Litigation, who admitted the error in court and exercised the candor to the court required under the rules of professional responsibility for attorneys.²⁴⁰ As grounds for Mr. Reuveni's dismissal, the Trump administration cited failure to "follow a directive from [his] superiors" and "engaging in conduct prejudicial [to the government]," which concerningly suggests the administration expected Mr. Reuveni to lie to a federal judge in carrying out the administration's directive.²⁴¹ In a subsequent protected whistleblower disclosure to Congress, Mr. Reuveni identified several instances alleging that senior administration officials, including

²³⁷ See Memorandum Opinion (Apr. 6, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951) (stating "officers had no warrant for his arrest and no lawful basis to take him into custody; they told him only that his "status had changed").

²³⁸ Memorandum Opinion (Apr. 6, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951).

²³⁹ Defendants' Memorandum in Opposition (Mar. 31, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951) ("[A]lthough ICE was aware of his protection from removal to El Salvador, Abrego Garcia was removed to El Salvador because of an administrative error."); Transcript on Motion Hearing (Apr. 4, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951) ("[The government] concede[s] he should not have been removed to El Salvador.").

²⁴⁰ See *Senior Justice Dept. Lawyer Put on Leave After Questioning Trump Administration*, New York Times (Apr. 5, 2025) (<https://www.nytimes.com/2025/04/05/us/politics/justice-dept-immigration-lawyer-leave.html>).

²⁴¹ Letter from Dana L. Gold, Andrea Meza, and Kevin L. Owen, Counsel for Erez Reuveni to Michael E. Horowitz, Inspector General, Department of Justice; Jamieson Greer, Acting Special Counsel, Office of Special Counsel; Hon. Chuck Grassley, Chair and Hon. Richard J. Durbin, Ranking Member, Senate Committee on the Judiciary; Hon. Jim Jordan, Chair and Hon. Jamie Raskin, Ranking Member, House Committee on the Judiciary (June 24, 2025) (stating Mr. Reuveni "made truthful representations" to the court "about the government's own record in the case of Mr. Kilmar Abrego Garcia, abiding by his obligations under the Federal Rules of Civil Procedure and the Rules of Professional Conduct"); see also *Senior Justice Dept. Lawyer Put on Leave After Questioning Trump Administration*, New York Times (Apr. 5, 2025) (<https://www.nytimes.com/2025/04/05/us/politics/justice-dept-immigration-lawyer-leave.html>).

within the Justice Department actively withheld information in direct contravention of court orders.²⁴²

After weeks of the administration’s refusing to take steps to remedy its error, a federal judge issued a preliminary injunction ordering the government to “facilitate and effectuate” Mr. Abrego Garcia’s return to the United States no later than April 7.²⁴³ On April 10, the Supreme Court affirmed the district court’s order that the government shall “facilitate” Mr. Abrego Garcia’s release from custody in El Salvador and directed the district court to clarify the term “effectuate” in its order, noting the government “should be prepared to share what it can concerning the steps it has taken and the prospect of further steps.”²⁴⁴ That same day, the district court clarified and reiterated its order that the government shall “take all available steps to facilitate the return of Mr. Abrego Garcia to the United States as soon as possible.”²⁴⁵

On April 12, the only information the government publicly shared with the court regarding Mr. Abrego Garcia’s detention was that he is alive, currently being held in CECOT, and is “detained pursuant to the sovereign, domestic authority of El Salvador.”²⁴⁶ Instead of immediately facilitating Mr. Abrego Garcia’s return, the Trump administration determined that “facilitate” solely meant “taking all available steps to remove any *domestic* obstacles that would otherwise impede [Mr. Abrego Garcia’s] ability to return[.]”²⁴⁷

In a unanimous opinion from the Fourth Circuit Court of Appeals, the court denied the government’s request for a stay. The court wrote,

The government is asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order. Further, it claims in essence that because it has rid itself of custody that there is nothing that can be done. This should be shocking not only to judges, but to the intuitive sense of liberty that Americans far removed from courthouses still hold dear.²⁴⁸

²⁴² Letter from Dana L. Gold, Andrea Meza, and Kevin L. Owen, Counsel for Erez Reuveni to Michael E. Horowitz, Inspector General, Department of Justice; Jamieson Greer, Acting Special Counsel, Office of Special Counsel; Hon. Chuck Grassley, Chair and Hon. Richard J. Durbin, Ranking Member, Senate Committee on the Judiciary; Hon. Jim Jordan, Chair and Hon. Jamie Raskin, Ranking Member, House Committee on the Judiciary (June 24, 2025).

²⁴³ Order Granting Preliminary Injunction (Apr. 4, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951).

²⁴⁴ *Noem, et al., v. Abrego Garcia et al.*, 604 U.S. ____ (2025).

²⁴⁵ Order (Apr. 10, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951).

²⁴⁶ Declaration of Michael G. Kozak (Apr. 12, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951).

²⁴⁷ Response to Plaintiffs’ Motion for Additional Relief (Apr. 13, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951) (emphasis in original).

²⁴⁸ Order (Apr. 17, 2025), *Abrego Garcia, et al., v. Noem, et al.*, 4th Cir. (No. 25-1404).

Despite telling the court that Mr. Abrego Garcia was “detained pursuant to the sovereign, domestic authority of El Salvador” in April, the Trump administration filed an indictment against Mr. Abrego Garcia on May 21, and ultimately facilitated his return to the U.S. on June 6.²⁴⁹ The federal indictment charges Mr. Abrego Garcia with one count of “conspiracy to transport aliens” and one count of “unlawful transportation of undocumented aliens” into the U.S.²⁵⁰ Following Mr. Abrego Garcia’s return, two federal judges denied the government’s request to detain Mr. Abrego Garcia in the Middle District of Tennessee based on the evidence presented; however, Mr. Abrego Garcia requested to be detained for 30 days to prevent the Trump administration from deporting him upon release in his criminal case.²⁵¹ On July 23, a federal judge in Maryland overseeing Mr. Abrego Garcia’s civil case ordered that the Trump administration “SHALL NOT take Abrego Garcia into custody . . . [and] SHALL restore Abrego Garcia to his [Immigration and Customs Enforcement] Order of Supervision.”²⁵²

The administration also mistakenly sent eight women to CECOT (an all-male prison).²⁵³ It also wrongfully deported a 20-year-old man, in violation of a November 2024 settlement agreement where his asylum application was still pending.²⁵⁴ A federal judge determined the government breached the 2024 settlement agreement and directed the Trump administration to facilitate the individual’s (identified as Cristian) return, which includes “making a good faith request to the government of El Salvador and to release Cristian to U.S. custody for transport back to the United States to await the adjudication of his asylum application on the merits by USCIS.”²⁵⁵ The Fourth Circuit Court of Appeals subsequently denied the government’s request to stay the district court’s ruling pending the adjudication of the government’s appeal.²⁵⁶

²⁴⁹ See Declaration of Michael G. Kozak (Apr. 12, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951); Indictment (May 21, 2025), *U.S. v. Abrego Garcia*, M.D. Tenn. (No. 25-cr-115); Memorandum Opinion (July 23, 2025) *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951); *Kilmar Abrego Garcia has been returned to the U.S. to face federal criminal charges*, NBC News (June 6, 2025) (<https://www.nbcnews.com/news/us-news/kilmar-abrego-garcia-was-mistakenly-deported-el-salvador-will-face-fed-rca211514>); see also *Bondi says mistakenly deported man ‘not coming back to our country’*, The Hill (Apr. 16, 2025) (<https://thehill.com/homenews/administration/5251491-pam-bondi-kilmar-abrego-garcia-return/>) (Attorney General Bondi stating “He is not coming back to our country. President Bukele said he was not sending him back. That’s the end of the story”).

²⁵⁰ Indictment (May 21, 2025), *U.S. v. Abrego Garcia*, M.D. Tenn. (No. 25-cr-115).

²⁵¹ Memorandum Opinion (June 22, 2025), *U.S. v. Abrego Garcia*, M.D. Tenn. (No. 25-cr-115); Memorandum Opinion (July 23, 2025), *U.S. v. Abrego Garcia*, M.D. Tenn. (No. 25-cr-115); Motion to Stay Issuance of Release Order in Event of Denial of Motion for Revocation (July 20, 2025) *U.S. v. Abrego Garcia*, M.D. Tenn. (No. 25-cr-115).

²⁵² Order (July 23, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951) (emphasis in original).

²⁵³ See Memorandum Opinion (Apr. 16, 2025), *J.G.G., et al., v. Trump, et al.*, D.D.C. (No. 25-cv-766).

²⁵⁴ See Memorandum Opinion (Apr. 23, 2025), *J.O.P., et al., v. U.S. Department of Homeland Security, et al.*, D. Md. (No. 19-cv-1944).

²⁵⁵ Memorandum Opinion (Apr. 23, 2025), *J.O.P., et al., v. U.S. Department of Homeland Security, et al.*, D. Md. (No. 19-cv-1944).

²⁵⁶ Order (May 19, 2025), *J.O.P., et al., v. U.S. Department of Homeland Security, et al.*, 4th Cir. (No. 25-1519).

The Trump administration has reportedly entered into an agreement with the El Salvadoran government paying somewhere between \$6 and \$15 million dollars to detain these individuals for a period of one year.²⁵⁷ This agreement can reportedly be renewed, “pending the United States’ decision on [their] long term disposition[,]” indicating the administration has control over the terms of the detainees’ detention in El Salvador.²⁵⁸ Now, President Trump has stated that he is also looking into sending “homegrown” U.S. citizens convicted of crimes to CECOT.²⁵⁹

It has since come to light that the administration has entered into several agreements with other countries to detain noncitizens. According to recent reporting, the administration has entered into agreements with seven countries and have either asked or plan to ask 51 countries whether they would be willing to accept non-citizen deportations from the U.S.²⁶⁰ A subsequent court filing, which included a United Nations report regarding the “disappearance” of some of the detainees sent to El Salvador, appears to contradict the administration’s claims that the detainees sent to CECOT remain in El Salvador’s custody.²⁶¹ According to the report, El Salvador stated:

The actions of the State of El Salvador have been limited to the implementation of a bilateral cooperation mechanism with another State, through which it has facilitated the use of the Salvadoran prison infrastructure for the custody of persons detained within the scope of the justice system and law enforcement of that other State. In this context, the jurisdiction and legal responsibility for these persons lie exclusively with the competent foreign authorities, by virtue of international agreements signed and in accordance with the

²⁵⁷ See *Trump administration has \$15M deal with El Salvador to accept deportees, MD senator says*, Fox5 (Apr. 18, 2025) (<https://www.fox5dc.com/news/trump-administration-has-15m-deal-el-salvador-accept-deportees-md-senator-says>); *What to know about El Salvador’s mega-prison after Trump sent hundreds of immigrants there*, Associated Press (Mar. 16, 2025) (<https://apnews.com/article/el-salvador-trump-prison-immigrants>).

²⁵⁸ See Memorandum Opinion (Apr. 6, 2025), *Abrego Garcia, et al., v. Noem, et al.*, D. Md. (No. 25-cv-951); *Trump administration has \$15M deal with El Salvador to accept deportees, MD senator says*, Fox5 (Apr. 18, 2025) (<https://www.fox5dc.com/news/trump-administration-has-15m-deal-el-salvador-accept-deportees-md-senator-says>); Nayib Bukele, X post (Mar. 16, 2025, 8:13 a.m.) (<https://x.com/nayibbukele/status/1901245427216978290>) (stating “they were immediately transferred to CECOT, the Terrorism Confinement Center, for a period of one year (renewable)”).

²⁵⁹ *Trump says he would ‘love’ to send violent American citizens to foreign prisons*, Politico (Apr. 25, 2025) (www.politico.com/news/2025/04/25/trump-americans-foreign-prisons-interview-00309297).

²⁶⁰ See *Inside the Global Deal-Making Behind Trump’s Mass Deportations*, New York Times (June 25, 2025) (<https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html>); *Here are the 3rd-countries where the Trump admin is deporting migrants*, Axios (July 16, 2025) (<https://www.axios.com/2025/07/17/trump-deportation-migrants-third-countries>).

²⁶¹ Notice of United Nations Document (July 7, 2025), *J.G.G. et al., v. Trump, et al.*, D.D.C. (No. 25-cv-00766) (referencing Exhibit 1, Report on Enforced or Involuntary Disappearances).

principles of sovereignty and international cooperation in criminal matters.²⁶²

D. Failure to Comply with District Court Orders Requiring Due Process Prior to Removal to a Country other than the Country of Origin (“Third Country”)²⁶³

As part of other reported agreements between the administration and foreign countries, the administration has sought to remove noncitizens to countries that are not their country of origin (“third countries”) without due process and in doing so, has again directly violated court orders. While these individuals had final orders of removal, they were not given notice or an opportunity to make protection claims before being sent to a third country. The U.S. has longstanding legal obligations under the principle of *non-refoulement* which require it to ensure that people removed from the U.S. are not sent to a place where they will be tortured or persecuted.²⁶⁴ Below are some examples of the administration’s outright defiance of multiple court orders involving removals to third countries. While the administration defied several lower court orders, described below, requiring due process, it subsequently obtained relief from the Supreme Court, which stayed the lower court’s rulings, thereby allowing the administration to deport noncitizens to South Sudan without due process.

In *D.V.D. v. U.S. Department of Homeland Security (DHS)*, four plaintiffs (D.V.D, M.M., E.F.P., and O.C.G.) challenged DHS’s new practice of removing noncitizens to a third country that was not initially identified as a country of removal without due process – specifically, without the opportunity to make claims for protection.²⁶⁵ In an April 18 order granting a preliminary injunction barring the government from engaging in this practice, the court stated:

This case presents a simple question: before the United States forcibly sends someone to a country other than their country of origin, must that person be told where they are going and be given a chance to tell the United States that they might be killed if sent there?

The court found the government’s argument without merit, continuing:

²⁶² Notice of United Nations Document (July 7, 2025), *J.G.G. et al., v. Trump, et al.*, D.D.C. (No. 25-cv-00766) (referencing Exhibit 1, Report on Enforced or Involuntary Disappearances).

²⁶³ This section discusses the administration’s failure to comply with court orders from a federal district court judge requiring the administration to provide individuals who originally received a final order of removal with notice and an opportunity for a hearing before being removed to country other than their country of origin (“third country”).

²⁶⁴ Refugee Act of 1980, Pub. L. No. 96-212, Sec. 101; Immigration and Nationality Act, Pub. L. No. 104-208, Sec. 241(b)(3)(A); *see also* Congressional Research Service, *Global Refugee Resettlement: Background and Selected Issues* (IF12813) (July 24, 2025).

²⁶⁵ Complaint (Mar. 23, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

Defendants argue that the United States may send a deportable alien to a country not of their origin, not where an immigration judge has ordered, where they may be immediately tortured and killed, without providing that person any opportunity to tell the deporting authorities that they face grave danger or death because of such a deportation. All nine sitting justices of the Supreme Court of the United States, the Assistant Solicitor General of the United States, Congress, common sense, basic decency, and this Court all disagree.²⁶⁶

Therefore, the court ordered DHS to comply with four specific requirements before removing noncitizens to a third country: 1) provide written notice to the individual, and the individual's counsel, of the third country removal in a language the individual can understand; 2) provide a "meaningful opportunity" for the individual to raise fear claims under the Convention Against Torture; 3) reopen the case if the individual demonstrates "reasonable fear"; and 4) provide a "meaningful opportunity" and a "minimum of 15 days" notice for the individual to challenge the third-country removal.²⁶⁷

Despite a federal judge's orders making clear individuals must receive due process – as laid out explicitly above – before being expelled to another country and prohibiting the government from removing individuals without due process, on April 23 the government informed the court that the Department of Defense – who was not a named defendant in the litigation and therefore not subject to the court's order – had transferred individuals from Guantanamo Bay to third countries, noting "DHS did not direct the Department of Defense to remove" the individuals referenced in the pleading.²⁶⁸

Even after the court amended its April 18 preliminary injunction on April 30 reaffirming that DHS "must comport with the terms of the April 18, 2025 preliminary injunction by providing [] due-process guarantees" before "removing, or allowing or permitting another agency to remove, an alien from Guantanamo Bay to a third country," the Trump administration proceeded to send individuals to South Sudan without any notice or a chance to contest their removal there, in direct violation of the court's April 18 and 30 orders.²⁶⁹ In response, the court

²⁶⁶ Memorandum and Order on Plaintiffs' Motions for Class Certification and Preliminary Injunction (Apr. 18, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676) (internal citations omitted).

²⁶⁷ Memorandum and Order on Plaintiffs' Motions for Class Certification and Preliminary Injunction (Apr. 18, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

²⁶⁸ See Temporary Restraining Order (Mar. 28, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676); Defendants' Response to the Court's April 10, 2025 Order (Apr. 23, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

²⁶⁹ See Memorandum and Order on Plaintiffs' Motions for Class Certification and Preliminary Injunction (Apr. 18, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676); Minute Order (Apr. 30, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676); Memorandum on Preliminary Injunction (May 21, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

issued an emergency order directing DHS to “maintain custody and control” of the detainees who at the time were being held on a military base near Djibouti.²⁷⁰ The court subsequently found on May 21 that DHS “violated the Preliminary Injunction entered in this case by failing to provide six noncitizen class members a ‘meaningful opportunity’ to assert claims for protection under the Convention Against Torture before initiating removal to a third country.”²⁷¹

On June 23, despite the administration’s noncompliance and lack of candor to the lower court, the Supreme Court, in a 6-3 ruling with no explanation, stayed the district court’s April 18 order granting a preliminary injunction pending the disposition of the case on appeal, allowing the government to deport noncitizens to third countries without following the notice and procedural requirements that were specified in the district court’s April 18 order.²⁷² In a dissenting opinion, Justice Sotomayor, joined by Justices Kagan and Jackson asked, “[w]here did the Government find the authority to disregard Congress’s carefully calibrated scheme of immigration laws?” and expressed deep concern for the majority’s ruling.²⁷³

The administration subsequently filed another emergency motion requesting the Supreme Court clarify whether its June 23 ruling also blocked the district court’s May 21 order – requiring reasonable fear interviews for the detainees in Djibouti – from going into effect.²⁷⁴ The Supreme Court granted the motion and held in a 7-2 ruling that the district court’s May 21 order “cannot now be used to enforce an injunction that our stay rendered unenforceable.”²⁷⁵ In her dissent, Justice Sotomayor, joined by Justice Jackson, stated:

‘In a democracy, power implies responsibility. The greater the power that defies law the less tolerant can this Court be of defiance. As the Nation’s ultimate judicial tribunal, this Court, beyond any other organ of society, is the trustee of law and charged with the duty of securing obedience to it.’ This Court continues to invert those

²⁷⁰ Emergency Order (May 20, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676); see also *Trump administration holding migrants in Djibouti after judge blocks deporting them to South Sudan, president says*, CBS News (May 22, 2025) (<https://www.cbsnews.com/news/trump-migrants-djibouti-after-judge-blocks-deportation-to-south-sudan/>).

²⁷¹ Memorandum on Preliminary Injunction (May 21, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676). The court denied the Defendants’ motions for reconsideration noting, “[d]efendants have mischaracterized this Court’s order, while at the same time manufacturing the very chaos they decry. By racing to get six class members onto a plane to unstable South Sudan, clearly in breach of the law and this Court’s order, Defendants gave this Court no choice but to find that they were in violation of the Preliminary Injunction.” Memorandum and Order on Defendants’ Motions for Reconsideration and Stay (May 26, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

²⁷² *U.S. Department of Homeland Security, et al., v. D.V.D., et al.*, 606 U.S. ____ (2025).

²⁷³ *U.S. Department of Homeland Security, et al., v. D.V.D., et al.*, 606 U.S. ____ (2025) (Sotomayor, J., dissenting).

²⁷⁴ Motion for an Order Clarifying this Court’s June 23, 2025, Order Granting a Stay of the Injunction Issued by the United States District Court for the District of Massachusetts and Request for an Immediate Administrative Stay of the District Court’s May 21, 2025, and June 23, 2025, Orders (June 24, 2025), Supreme Court of the United States (No. 24A1153).

²⁷⁵ *U.S. Department of Homeland Security, et al., v. D.V.D., et al.*, 606 U.S. ____ (2025).

principles. Today’s order clarifies only one thing: Other litigants must follow the rules, but the administration has the Supreme Court on speed dial.²⁷⁶

Reportedly, the noncitizens have since been transported from Djibouti to South Sudan.²⁷⁷

It is worth noting that the Trump administration’s lack of candor to the court in the *D.V.D. v. DHS* litigation extended beyond the group of noncitizens it sought to deport without due process to South Sudan. It also deported O.C.G., another Plaintiff in the litigation who had no criminal history to Mexico – two days after O.C.G. was granted withholding of removal to his country of origin, Guatemala, by an immigration judge. On May 23, a federal judge found:

Two days [after O.C.G. was granted withholding of removal], and without any notice, O.C.G. was placed on a bus and sent to Mexico, a country where he was previously held for ransom and raped. O.C.G. had said during his immigration proceedings that he was afraid of being sent to Mexico, and even presented evidence of the violence he had experienced there. But the immigration judge told O.C.G.— consistent with this Court’s understanding of the law— that he could not be removed to a country other than his native Guatemala, at least not without some additional steps in the process. Those necessary steps, and O.C.G.’s pleas for help, were ignored.²⁷⁸

Despite these actions, the Trump administration represented to the court that O.C.G. consented to his removal, which it later confirmed was not true. In a May 16 court filing, the administration stated that it “was unable to identify an officer or officers who asked O.C.G. if he feared a return to Mexico.”²⁷⁹ The court has since ordered that the Trump administration facilitate O.C.G.’s return to the United States. In its order, the court noted, “the public benefits from living in a country where rules are followed and where promises are kept.”²⁸⁰ O.C.G. was returned to the United States on June 4, 2025.²⁸¹

²⁷⁶ *U.S. Department of Homeland Security, et al., v. D.V.D., et al.*, 606 U.S. ____ (2025) (Sotomayor, J., dissenting) (internal citations omitted).

²⁷⁷ See *Eight migrants deported from Djibouti to South Sudan, Homeland Security says*, Reuters (July 5, 2025) (<https://www.reuters.com/world/africa/us-deportees-arrive-south-sudan-airport-sources-say-2025-07-05/>).

²⁷⁸ Memorandum and Order on Plaintiffs’ Motion for Preliminary Injunction (May 23, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

²⁷⁹ Notice of Errata (May 16, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676); see also Defendants’ Opposition to Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction and Stay of Administrative Action, Exhibit A, Declaration of Brian Ortega (Mar. 25, 2025) *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

²⁸⁰ Memorandum and Order on Plaintiffs’ Motion for Preliminary Injunction (May 23, 2025), *D.V.D., et al., v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-10676).

²⁸¹ See *Administration returns improperly deported Guatemalan*, Politico (June 4, 2025) (<https://www.politico.com/news/2025/06/04/administration-returns-deported-guatemalan-00388840>).

E. Extraordinary Use of the Supreme Court’s Emergency Docket

The Trump administration’s use of the Supreme Court’s emergency docket has been unprecedented and has further enabled it to press the bounds of its Executive authority. In its first six months, the Trump administration has filed 20 emergency applications with the Supreme Court and the Supreme Court has granted 17 of those applications, often pausing federal district court decisions that blocked harmful – and arguably irreparable – actions from going into effect with minimal or no explanation.²⁸² With less than seven months in office, the Trump administration has filed more applications than the Biden administration filed during its entire term (19) and more than twice the number of applications filed by both Presidents Bush and Obama (which totaled 8) throughout their combined 16 years in office.²⁸³ As Justice Sotomayor pointed out in a recent dissent, “each time this Court rewards noncompliance with discretionary relief, it further erodes respect for courts and for the rule of law.”²⁸⁴

F. Attacking the Judiciary

In response to several judicial decisions it does not agree with, the Trump administration has taken to publicly criticizing and undermining federal judges and the courts, including calling for the impeachment of judges who issue rulings against its policies.²⁸⁵ In response to adverse rulings barring the administration’s efforts to dismantle federal agencies and ordering it to restore government websites, Mr. Musk posted on February 12, “[t]his evil judge must be fired!” and on February 25, “[t]he only way to restore rule of the people in America is to impeach judges. No

²⁸² Analysis on file with Committee. The Committee reviewed all emergency applications filed by the Trump administration with the Supreme Court from January 20, 2025 through July 20, 2025. The analysis excludes emergency applications filed outside the first six months of the Trump administration. This analysis does not include the Motion to Clarify the Trump administration filed with the Supreme Court on June 24, 2025 in *U.S. Department of Homeland Security, et al., v. D.V.D., et al.*, which the Supreme Court granted on July 3, 2025.

²⁸³ Stephen I. Vladeck, *The Solicitor General and the Shadow Docket*, Harvard Law Review (2019) (finding that “[d]uring the sixteen years of the George W. Bush and Obama Administrations, the Solicitor General filed a total of eight such applications — averaging one every *other* Term”) (emphasis in original); Steve Vladeck, *Why the Supreme Court Keeps Granting Stays to President Trump*, One First (June 12, 2025) (<https://www.stevevladeck.com/p/bonus-157-why-the-supreme-court-keeps>).

²⁸⁴ *U.S. Department of Homeland Security, et al., v. D.V.D., et al.*, 606 U.S. ___ (2025) (Sotomayor, J., dissenting).

²⁸⁵ See, e.g., *Trump calls for the impeachment of a judge, as lawsuits pile up*, NPR (Mar. 18, 2025) (<https://www.npr.org/2025/03/18/nx-s1-5332086/trump-lawsuits>); *Trump has called for a judge to be impeached. What to know — and why removal is unlikely*, CBS News (Mar. 20, 2025) (<https://www.cbsnews.com/news/donald-trump-federal-judge-impeachment/>); *Donald Trump Attacks Judges in All-Caps Memorial Day Message: 'MONSTERS'*, Newsweek (May 26, 2025) (www.newsweek.com/donald-trump-attacks-judges-all-caps-memorial-day-message-monsters-2077023); Donald J. Trump, Truth Social post (July 21, 2025, 1:50 p.m.) (truthsocial.com/@realDonaldTrump/posts/11489248666754017).

one is above the law, including judges.”²⁸⁶ Mr. Musk subsequently began making campaign donations to Members of Congress who called for the impeachment of certain federal judges.²⁸⁷

After a federal judge halted the deportation of hundreds of Venezuelan noncitizens to El Salvador, President Trump posted on his social media platform, Truth Social, “This judge, like many of the Crooked Judges’ I am forced to appear before, should be IMPEACHED!!!”²⁸⁸ The following day, the Chief Justice of the Supreme Court issued a rare public statement rebuking the Trump administration’s ongoing attacks on the judiciary:

For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose.²⁸⁹

These attacks on the judiciary are a threat to our coequal branches of government and the separation of powers.²⁹⁰

III. INTIMIDATION CAMPAIGN AND ATTACKS ON FREE SPEECH

Despite several court orders declaring many of the administration’s actions unconstitutional, President Trump continues to issue threats and executive orders carrying out the same or similar conduct to new targets. President Trump has retaliated against law firms that represented or employed individuals he views as his political enemies, baselessly targeted former federal officials who expressed viewpoints adverse to the administration, punished individuals who exercised their right to free speech, attempted to dictate what universities can teach and how they assess student admissions, and banned press credentials for media companies he deems critical of his administration. All these actions directly threaten Americans’ protections under the First Amendment, creating a chilling effect that dissent is not tolerated. Below are several examples.

²⁸⁶ Elon Musk, X post (Feb. 12, 2025, 12:53 p.m.) (x.com/elonmusk/status/1889734600038998479?lang=en); Elon Musk, X post (Feb. 25, 2025, 6:26 p.m.) (x.com/elonmusk/status/1894529307524923512).

²⁸⁷ *Musk Donates to G.O.P. Members of Congress Who Support Impeaching Judges*, New York Times (Mar. 19, 2025) (www.nytimes.com/2025/03/19/us/politics/musk-donations-congress-judges.html).

²⁸⁸ Donald J. Trump, Truth Social post (Mar 18, 2025, 9:05 a.m.) (truthsocial.com/@realDonaldTrump/posts/114183576937425149).

²⁸⁹ *Chief justice rebukes Trump’s call for judicial impeachment*, SCOTUSblog (Mar. 18, 2025) (<https://www.scotusblog.com/2025/03/chief-justice-rebukes-trumps-call-for-judicial-impeachment/>).

²⁹⁰ See, e.g., Robert A. Levy, *On the Separation of Powers and Judicial Supremacy*, Cato Institute (June 16, 2025) (www.cato.org/blog/separation-powers-judicial-supremacy).

A. Attacking and Retaliating Against Law Firms

Since February 25, the Trump administration has issued six executive orders or directives punishing law firms that have exercised viewpoints contrary to that of the administration, namely employing attorneys who have previously investigated the President, representing clients the administration views as hostile to its interests, or advocating issues adverse to the President.²⁹¹ Four firms have contested the constitutionality of these executive orders in court and all four firms succeeded on the merits, with courts prohibiting the enforcement of the executive orders against the law firms.²⁹² As a federal judge noted, “every court to have considered a challenge to one of these orders has found grave constitutional violations and permanently enjoined enforcement of the order in full.”²⁹³ These lawsuits remain pending. At least one firm capitulated to President Trump’s executive order, entering into a non-public agreement with the administration to provide \$40 million in pro bono legal services (Paul Weiss).²⁹⁴ Eight additional law firms, without being the target of any Executive Order, voluntarily entered into non-public agreements with the administration, totaling nearly \$1 billion in pro bono legal services to the Trump administration.²⁹⁵

²⁹¹ Exec. Order No. 14230, 90 Fed. Reg. 11781 (Mar. 6, 2025) (Perkins Coie); Exec. Order No. 14246, 90 Fed. Reg. 13997 (Mar. 25, 2025) (Jenner & Block); Exec. Order No. 14250, 90 Fed. Reg. 14549 (Mar. 27, 2025) (WilmerHale); Exec. Order No. 14237, 90 Fed. Reg. 13039 (Mar. 14, 2025) (Paul Weiss); Exec. Order No. 14263, 90 Fed. Reg. 15615 (Apr. 9, 2025) (Susman Godfrey); Presidential Memorandum to the Secretary of State, Secretary of Defense, Attorney General, Secretary of Energy, Director of the Office of Management and Budget, Director of National Intelligence, Director of the Central Intelligence Agency, and the Director of the Office of Personnel Management on the Suspension of Security Clearances and Evaluation of Government Contracts (Feb. 25, 2025) (Covington and Burling).

²⁹² Memorandum Opinion (May 2, 2025), *Perkins Coie LLP, v. U.S. Department of Justice, et al.*, D.D.C. (No. 25-cv-716); Memorandum Opinion (May 23, 2025), *Jenner & Block LLP, v. U.S. Department of Justice, et al.*, D.D.C. (No. 25-cv-916); Memorandum Opinion (May 27, 2025), *Wilmer Cutler Pickering Hale and Dorr LLP, v. Executive Office of the President, et al.*, D.D.C. (No. 25-cv-917); Memorandum Opinion (June 27, 2025), *Susman Godfrey LLP, v. Executive Office of the President, et al.*, D.D.C. (No. 25-cv-1107).

²⁹³ Memorandum Opinion (June 27, 2025), *Susman Godfrey LLP, v. Executive Office of the President, et al.*, D.D.C. (No. 25-cv-1107).

²⁹⁴ *Law firm Paul Weiss agrees to deal with Trump, prompting criticism*, Washington Post (Mar. 24, 2025) (<https://www.washingtonpost.com/politics/2025/03/21/paul-weiss-trump-executive-action/>); *Trump rescinds order targeting Paul, Weiss citing commitments from law firm*, The Hill (Mar. 20, 2025) (<https://thehill.com/homenews/administration/5206455-trump-rescinds-order-targeting-paul-weiss/>).

²⁹⁵ *The Fallout Is Growing on Trump’s Deals With Law Firms*, Politico (July 10, 2025) (<https://www.politico.com/news/magazine/2025/07/10/trump-law-firms-deals-mess-column-00445259>); *see also Five More Big Law Firms Reach Deals With Trump*, New York Times (Apr. 11, 2025) (<https://www.nytimes.com/2025/04/11/business/trump-law-firms-kirkland-ellis-latham-watkins.html>).

Trump Administration Actions Against Law Firms and Respective Outcomes

Law Firm	Executive Action	Outcome
Covington and Burling LLP	<i>Executive Memorandum, Suspension of Security Clearances and Evaluation of Government Contracts (February 25, 2025)</i> suspending security clearances for “all members, partners, and employees of [the firm] who assisted former Special Counsel Jack Smith during his time as Special Counsel” and directing the administration to “review” all federal contracts with the law firm.	Not known.
Perkins Coie LLP	<i>Executive Order, Addressing Risk from Perkins Coie LLP (March 6, 2025)</i> suspending all security clearances held by individuals at the law firm, denying employees of the law firm access to federal buildings, and terminating all federal contracts with clients of the law firm. Perkins Coie represented political opponents of President Trump, including Hillary Clinton, and challenges to lawsuits attempting to overturn the results of the 2020 election.	TRO granted on March 12 and summary judgment granted on May 2, finding “[u]sing the powers of the federal government to target lawyers for their representation of clients and avowed progressive employment policies in an overt attempt to suppress and punish certain viewpoints, however, is contrary to the Constitution, which requires that the government respond to dissenting or unpopular speech or ideas with “tolerance, not coercion.”
Paul, Weiss, Rifkind, Wharton & Garrison LLP	<i>Executive Order, Addressing Risks from Paul Weiss (March 14, 2025)</i> suspending all security clearances held by individuals at the law firm, denying access to federal buildings, and threatening to terminate all federal contracts with Paul Weiss and its clients. Paul Weiss employed Mark Pomerantz who investigated President Trump at the Manhattan District Attorney’s Office.	\$40 million in pro bono legal services and agreement to rescind Executive Order
Jenner Block	<i>Executive Order, Addressing Risk from Jenner & Block (March 25, 2025)</i> suspending security clearances for the firm’s employees and restricting the firm’s access to federal buildings and threatening to terminate federal contracts held by the firm’s clients. Jenner Block employed Andrew Weissman, who assisted the U.S. Special Counsel’s investigation into alleged Russian interference in the 2016 election.	TRO granted on March 28 and summary judgment granted on May 23, finding the Executive Order “violates the Constitution” and “seeks to chill legal representation the administration doesn’t like, thereby insulating the Executive Branch from the judicial check fundamental to the separation of powers.”
Wilmer Cutler Pickering Hale and Door LLP	<i>Executive Order, Assessing Risks from Wilmer Hale (March 27, 2025)</i> suspending security clearance for the firm’s employees, restricting the law firm’s access to federal buildings, and threatened to terminate federal contracts held by the firm’s clients. Wilmer Hale employed Robert Mueller who served as Special Counsel to investigate alleged Russian interference in the 2016 election.	TRO granted on April 8 and summary judgment granted on May 27, holding “[t]he cornerstone of the American system of justice is an independent judiciary and an independent bar willing to tackle unpopular cases, however daunting,” and the Executive Order “must be struck down in its entirety as unconstitutional.”
Skadden, Arps, Slate, Meagher & Flom LLP	<i>None</i>	\$100 million in pro bono legal services
Milbank	<i>None</i>	\$100 million in pro bono services and an agreement to not engage in diversity-based hiring
Willkie Farr & Gallagher	<i>None</i>	\$100 million in pro bono services
Susman Godfrey LLP	<i>Executive Order, Addressing Risks from Susman Godfrey (April 9, 2025)</i> suspending security clearances for the firm’s employees, restricting the law firm’s access to federal buildings, and threatened to terminate federal contracts held by the firm’s clients. Susman Godfrey represented Dominion Voting Systems in several lawsuits, including against Fox News and Newsmax for its false claims of voter fraud during the 2020 election.	TRO granted on April 15 and summary judgment granted on June 27, holding the Order “does not draw on an executive power that has been designated to the President by the Constitution or statute, and because it improperly seizes authority that the Constitution grants to the judiciary” and “the Order goes beyond violating the Constitution and the laws of the United States. The Order threatens the independence of the bar—a necessity for the rule of law.”
Cadwalader Taft	<i>None</i>	At least \$100 million in pro bono.
Kirkland & Ellis	<i>None</i> March 17, 2025 EEOC inquiry into employment practices at firm.	\$125 million in pro bono work; withdrawal of EEOC inquiry.
A&O Sherman	<i>None</i> March 17, 2025 EEOC inquiry into employment practices at firm.	\$125 million in pro bono work; withdrawal of EEOC inquiry.
Latham Watkins	<i>None</i> March 17, 2025 EEOC inquiry into employment practices at firm.	\$125 million in pro bono work; withdrawal of EEOC inquiry.
Simpson Thacher	<i>None</i> March 17, 2025 EEOC inquiry into employment practices at firm.	\$125 million in pro bono work; withdrawal of EEOC inquiry.

The administration's attacks against law firms is an intimidation campaign. In one executive order, *Strengthening and Unleashing America's Law Enforcement to Pursue Criminals and Protect Innocent Citizens*, the Trump administration invoked the use of "private-sector pro bono assistance" to provide "legal resources and indemnification to law enforcement officers who unjustly incur expenses and liabilities[.]"²⁹⁶ As law firms voluntarily fold and enter into agreements with the administration, President Trump's ability to have a chilling effect grows on those most empowered to defend the rule of law. The message – intended or not – is clear: lawyers and law firms should think twice before representing individuals harmed by Trump administration policies and actions.

B. Attacking Former Officials with Whom the President Has a Personal Vendetta

President Trump has also targeted and retaliated against former federal officials who expressed viewpoints contrary to his. On April 9, President Trump issued two presidential memoranda: one, attacking a former cybersecurity official President Trump appointed in his first term who was tasked with overseeing federal election security (*Addressing Risks from Chris Krebs and Government Censorship*); and the other, attacking a former Homeland Security official appointed during his first term (*Addressing Risks Associated with an Egregious Leaker and Disseminator of Falsehoods*).²⁹⁷ Neither individual has been charged with any wrongdoing. Mr. Krebs has maintained that the 2020 election was secure, despite President Trump's repeated, baseless, and unsubstantiated claims that the election was in any way "rigged."²⁹⁸ Mr. Taylor has authored publications that were critical of the Trump administration, which the administration now claims included "the unauthorized dissemination of classified information."²⁹⁹ The memoranda directed agencies to strip both individuals and anyone affiliated with their employers of their security clearances and initiate investigations into each individual.³⁰⁰ Weeks later, the

²⁹⁶ Exec. Order No. 14288, 90 Fed. Reg. 18765 (April 28, 2025).

²⁹⁷ Presidential Memorandum to the Heads of Executive Departments and Agencies on Addressing Risks from Chris Krebs and Government Censorship (April 9, 2025); Presidential Memorandum to the Heads of Executive Departments and Agencies on Addressing Risks Associated with an Egregious Leaker and Disseminator of Falsehoods (Apr. 9, 2025); *see also* *Fired director of U.S. cyber agency Chris Krebs explains why President Trump's claims of election interference are false*, CBS News (Nov. 30, 2020) (<https://www.cbsnews.com/news/election-results-security-chris-krebs-60-minutes-2020-11-29/>); *Ex-Trump official Miles Taylor says Trump memo targeting him has made him "completely radioactive"*, CBS News (June 5, 2025) (<https://www.cbsnews.com/news/ex-trump-official-miles-taylor-on-trump-memo-targeting-him/>).

²⁹⁸ *Former aide who refuted Trump's false 2020 election claims is under federal investigation*, NBC News (May 2, 2025) (www.nbcnews.com/politics/national-security/former-aide-refuted-trumps-false-2020-election-claims-federal-investig-rcna204394); *see also* Walter Olson, *Trump's 2020 Stolen Election Claims Are Wrong on the Merits*, Cato Institute (<https://www.cato.org/blog/trumps-2020-stolen-election-claims-are-wrong-merits>).

²⁹⁹ Presidential Memorandum to the Heads of Executive Departments and Agencies on Addressing Risks Associated with an Egregious Leaker and Disseminator of Falsehoods (Apr. 9, 2025); *see, e.g.*, Miles Taylor, *Blowback: A Warning to Save Democracy from Trump's Revenge* (2023); *I Am Part of the Resistance Inside the Trump Administration*, New York Times (Sept. 5, 2018) (www.nytimes.com/2018/09/05/opinion/trump-white-house-anonymous-resistance.html).

³⁰⁰ Presidential Memorandum to the Heads of Executive Departments and Agencies on Addressing Risks from Chris Krebs and Government Censorship (April 9, 2025); Presidential Memorandum from Donald J. Trump to the Heads of Executive Departments and Agencies on Addressing Risks Associated with an Egregious Leaker and Disseminator of Falsehoods (Apr. 9, 2025).

Trump administration revoked Mr. Krebs' Global Entry status, another baseless and retaliatory act.³⁰¹

C. Punishing Free Speech Protected under the First Amendment

The Trump administration has also taken several actions to punish protected speech – particularly speech that does not align with its policies – and in doing so, chill the speech of others. In the cases described throughout this section, individuals were exercising protected free speech rights under the First Amendment.

On March 8, ICE agents arrested Mahmoud Khalil, a lawful permanent resident with no prior criminal record who led several pro-Palestinian protests while he was a student at Columbia University.³⁰² The Secretary of State determined Mr. Khalil was removable under the Immigration and Nationality Act's foreign policy determination, which the administration submits is not subject to judicial review.³⁰³ One news outlet reported that the White House views Mr. Khalil's case as "a blueprint for investigations against other students."³⁰⁴ Mr. Khalil submits his arrest is retaliatory and in violation of his rights under the First Amendment.³⁰⁵ A federal judge has temporarily blocked Mr. Khalil's removal, ruling that his arrest, detention, and removal was likely unconstitutional based on the vague nature of the Secretary's foreign policy determination.³⁰⁶ The court subsequently ordered that Mr. Khalil be released from federal custody.³⁰⁷ Mr. Khalil was released from detention on June 20, 2025, after months of confinement in multiple ICE detention facilities.³⁰⁸ On July 30, the Court of Appeals for the Third Circuit denied the government's request to suspend Mr. Khalil's release, while the government's appeal of the district court's release order proceeds.³⁰⁹

³⁰¹ *Ex-Trump Official Targeted for Investigation Loses Global Entry Status*, New York Times (Apr. 30, 2025) (www.nytimes.com/2025/04/30/us/politics/chris-krebs-global-entry.html).

³⁰² *Columbia student Mahmoud Khalil was detained without an arrest warrant, Trump administration says*, NBC News (Apr. 25, 2025) (www.nbcnews.com/news/us-news/columbia-student-mahmoud-khalil-was-detained-arrest-warrant-trump-admi-rcna202946); Petition for Writ of Habeas Corpus (Mar. 9, 2025), *Khalil v. Joyce, et al.*, S.D.N.Y. (25-cv-1935); Memorandum of Law in Support of Motion for Release Under *Mapp v. Reno* (Mar. 15, 2025), *Khalil v. Joyce, et al.*, S.D.N.Y. (25-cv-1935).

³⁰³ Respondents' Opposition to Petitioner's Motion for a Preliminary Injunction (Apr. 2, 2025), *Khalil v. Joyce*, D.N.J. (No. 25-cv-01963); 8 U.S.C. § 1227(a)(4)(C).

³⁰⁴ *The ICE Detention of a Columbia Student Is Just the Beginning*, Free Press (Mar. 10, 2025) (www.thefp.com/p/the-ice-detention-of-a-columbia-student) (stating "a White House official told *The Free Press* that the basis for targeting Khalil is being used as a blueprint for investigations against other students" noting, "Khalil is a 'threat to the foreign policy and national security interests of the United States'").

³⁰⁵ Petition for Writ of Habeas Corpus (Mar. 9, 2025), *Khalil v. Joyce, et al.*, S.D.N.Y. (25-cv-1935); Memorandum of Law in Support of Motion for Release Under *Mapp v. Reno* (Mar. 15, 2025), *Khalil v. Joyce, et al.*, S.D.N.Y. (25-cv-1935).

³⁰⁶ Opinion and Order (May 28, 2025), *Khalil v. Joyce, et al.*, S.D.N.Y. (25-cv-1935).

³⁰⁷ Order (June 20, 2025), *Khalil v. Joyce, et al.*, S.D.N.Y. (25-cv-1935).

³⁰⁸ *Mahmoud Khalil released from ICE custody in Louisiana*, ABC News (June 20, 2025) (<https://abcnews.go.com/US/mahmoud-khalil-ordered-released-federal-judge/story?id=123049717>).

³⁰⁹ Per Curiam Order (July 30, 2025), *Mahmoud Khalil v. President United States of America, et al.*, 3d Cir. (No. 25-2162 & No. 25-2357).

On March 25, “six plain-clothes federal officers” surrounded Rümeysa Öztürk, an international PhD student at Tufts University in Massachusetts and sent her to an ICE detention center in Louisiana pending formal removal proceedings without any notice of the government’s claims against her and without being charged with any crime.³¹⁰ According to Ms. Öztürk, the sole reason for her arrest and revocation of her visa appeared to be based on protected speech, specifically an op-ed she co-authored in her school’s newspaper last year that was critical of Israel.³¹¹ In an April 18 court order, a federal judge found, Ms. Öztürk “has raised significant constitutional concerns with her arrest and detention which merit full and fair consideration in this forum.”³¹² Ms. Öztürk, who has no criminal record, remained in ICE custody until her bail hearing on May 9 when a federal judge ordered her immediate release.³¹³

On April 14, DHS agents arrested Mohsen Mahdawi, a lawful permanent resident of the United States who has held a green card since 2015, at his naturalization interview where he had just answered all of the government’s questions, passed the citizenship test, and signed a document affirming his willingness to “take the Oath of Allegiance to the U.S.”³¹⁴ Following his interview, Mr. Mahdawi was arrested by three masked agents, shackled, and escorted to a black van where he received a notice of removal because the Secretary of State determined his “presence and activities in the United States would have serious adverse foreign policy consequences and would compromise a compelling U.S. foreign policy interest.”³¹⁵ Mr. Mahdawi is Palestinian, a student at Columbia University, and has no criminal record.³¹⁶ As his petition against the government’s actions states, he is also an “outspoken critic of Israel’s military campaign in Gaza and an activist and organizer in student protests on Columbia’s campus[.]”³¹⁷ On the day of his arrest, a federal court ordered Mr. Mahdawi not be removed from the U.S. and approximately two weeks later, a federal judge held that Mr. Mahdawi’s

³¹⁰ First Amended Petition for Writ of Habeas Corpus and Complaint (Mar. 28, 2025), *Rümeysa Öztürk v. Trump, et al.*, D. Mass (25-cv-10695). Ms. Öztürk submits the State Department revoked her visa on March 21, 2025 and detained her “before she had received any notice of the revocation of her student visa or her student status.” *Id.* Reports indicate that federal investigators were told “not to tell [Ms. Öztürk] that her visa was revoked[.]” *Homeland Security agent says he was told not to inform Rümeysa Öztürk her visa was revoked when she was arrested*, CNN (July 15, 2025) (<https://www.cnn.com/2025/07/15/politics/rumeysa-ozturk-arrest-details-visa>).

³¹¹ First Amended Petition for Writ of Habeas Corpus and Complaint (Mar. 28, 2025), *Rümeysa Öztürk v. Trump, et al.*, D. Mass (25-cv-10695).

³¹² Opinion and Order (Apr. 18, 2025), *Ozturk v. Trump, et al.*, D. Vt. (No. 25-cv-374).

³¹³ Order (May 9, 2025), *Ozturk v. Trump, et al.*, D. Vt. (No. 25-cv-374); First Amended Petition for Writ of Habeas Corpus and Complaint (Mar. 28, 2025), *Rümeysa Öztürk v. Trump, et al.*, D. Mass (25-cv-10695).

³¹⁴ Petition for Writ of Habeas Corpus (Apr. 14, 2025), *Mohsen Mahdawi v. Trump, et al.*, D. Vt. (No. 25-cv-389); Opinion and Order on Motion for Release (Apr. 30, 2025), *Mohsen Mahdawi v. Trump, et al.*, D. Vt. (No. 25-cv-389).

³¹⁵ Opinion and Order on Motion for Release (Apr. 30, 2025), *Mohsen Mahdawi v. Trump, et al.*, D. Vt. (No. 25-cv-389).

³¹⁶ Petition for Writ of Habeas Corpus (Apr. 14, 2025), *Mohsen Mahdawi v. Trump, et al.*, D. Vt. (No. 25-cv-389).

³¹⁷ Petition for Writ of Habeas Corpus (Apr. 14, 2025), *Mohsen Mahdawi v. Trump, et al.*, D. Vt. (No. 25-cv-389).

release pending the duration of his case was “in the public interest” as “[h]is continued detention would likely have a chilling effect on protected speech[.]”³¹⁸

D. Attacking Universities

The Trump administration has also targeted several universities, threatening to pull back – and in some instances abruptly canceling – federal funding if the administration determines that the schools’ policies do not align with the administration’s positions.³¹⁹ Such unconstitutional actions are a direct threat to the cornerstone of academic institutions: freedom of speech and association.³²⁰ When the administration threatened to pull \$400 million in funding from Columbia University, it began negotiations with the Trump administration and agreed to its initial demands, which included banning face masks, empowering campus police officers to arrest students, and appointing new leadership for its Center for Palestine Studies and Department of Middle East, South Asian and African Studies.³²¹ Columbia has since entered into an agreement with the Trump administration, which includes paying the government over \$200 million in an effort to restore its federal funding.³²² In April, the Trump administration alleged that Harvard University failed to address antisemitism and demanded that it implement changes to its hiring practices, admissions policies, teaching practices, and the ability to “audit” the student body, faculty, staff, and leadership for viewpoint diversity.³²³

After Harvard rejected the administration’s demands, stating it “will not surrender its independence or relinquish its constitutional rights[,]” the administration froze \$2.2 billion in federal grants and a \$60 million contract with the University, ended Harvard’s ability to enroll

³¹⁸ Order (Apr. 14, 2025), *Mohsen Mahdawi v. Trump, et al.*, D. Vt. (No. 25-cv-389); Opinion and Order on Motion for Release (Apr. 30, 2025), *Mohsen Mahdawi v. Trump, et al.*, D. Vt. (No. 25-cv-389).

³¹⁹ See, e.g., *What to Know About the Universities That Have Had Their Funding Targeted by the Trump Administration*, Time (Apr. 16, 2025) (<https://time.com/7278236/university-funding-trump-harvard-cornell-northwestern-brown-princeton-penn-columbia/>); *D.C. U.S. attorney tells Georgetown he won’t hire from any school with ‘DEI’*, Washington Post (Mar. 5, 2025) (<https://www.washingtonpost.com/dc-md-va/2025/03/05/dc-us-attorney-ed-martin-georgetown-law-dei/>); Letter from Dean and Executive Vice President, William M. Treanor, Georgetown Law, to Edward R. Martin, Jr. Interim United States Attorney (Mar. 6, 2025) (writing “[g]iven the First Amendment’s protection of a university’s freedom to determine its own curriculum and how to deliver it, the constitutional violation behind this threat is clear, as is the attack on the University’s mission as a Jesuit and Catholic institution”).

³²⁰ See generally, *Keyishian v. Board of Regents*, 385 U.S. 589 (1967).

³²¹ *Columbia Yields to Trump in Battle Over Federal Funding*, Wall Street Journal (Mar. 21, 2025) (www.wsj.com/us-news/education/columbia-university-trump-demands-federal-funding-e94d41ca?mod=article_inline); *Columbia University agrees to Trump demands in effort to restore federal funding*, NBC News (Mar. 21, 2025) (<https://www.nbcnews.com/news/us-news/columbia-university-trump-demands-funding-rcna197261>).

³²² See *Columbia agrees to pay over \$220 million in deal with Trump administration to restore federal funding*, CNN (July 24, 2025) (<https://www.cnn.com/2025/07/23/politics/columbia-trump-administration-settlement-federal-funding>).

³²³ Letter from Comm’r of the Federal Acquisition Services Josh Gruenbaum, General Services Administration; Acting General Counsel Sean R. Keveney, Department of Health and Human Services, and Acting General Counsel Thomas E. Wheeler, Department of Education to Dr. Alan M. Garber, President, Harvard University (Apr. 11, 2025).

foreign students, and threatened to eliminate the University's tax exempt status.³²⁴ Harvard has since filed multiple lawsuits alleging the administration has acted beyond its authority and violated its First Amendment protections.³²⁵ On June 20, a federal judge issued a preliminary injunction barring the Trump administration from revoking Harvard's participation in the Student and Exchange Visitor Program.³²⁶ On June 23, the court followed up with its reasoning and enjoined the administration's Proclamation, *Enhancing National Security by Addressing Risks at Harvard University*.³²⁷ In its ruling, the court noted,

[A]t its root, this case is about core constitutional rights that must be safeguarded: freedom of thought, freedom of expression, and freedom of speech, each of which is a pillar of a functioning democracy and an essential hedge against authoritarianism.³²⁸

The administration has appealed this ruling to the Court of Appeals for the First Circuit.³²⁹

These are just a few examples of the administration's attacks on higher education. As of August 14, the administration has initiated over 125 investigations into multiple universities across the country.³³⁰

³²⁴ Letter from William A. Burck and Robert K. Hur, Counsel for Harvard University, to Comm'r of the Federal Acquisition Services Josh Gruenbaum, General Services Administration; Acting General Counsel Sean R. Keveney, Department of Health and Human Services, and Acting General Counsel Thomas E. Wheeler, Department of Education (Apr. 14, 2025); *Trump Administration Will Freeze \$2 Billion After Harvard Refuses Demands*, New York Times (Apr. 14, 2025) (<https://www.nytimes.com/2025/04/14/us/harvard-trump-reject-demands.html>); Letter from Secretary Kristi Noem, Department of Homeland Security, to Harvard University (May 22, 2025); *Trump Administration Ends Harvard's Ability to Enroll International Students*, BBC (May 22, 2025) (<https://www.bbc.com/news/articles/c05768jmm11o>); *Trump Threatens to Remove Harvard's Tax Exempt Status*, Politico (Apr. 15, 2025) (<https://www.politico.com/news/2025/04/15/harvard-trump-tax-exempt-00290534>); see also Proclamation No. 10948, 90 Fed. Reg. 24493 (June 4, 2025).

³²⁵ See, e.g., Complaint (Apr. 21, 2025), *President and Fellows of Harvard College, v. U.S. Department of Health and Human Services, et al.*, D. Mass. (No. 25-cv-11048); Amended Complaint (May 5, 2025), *American Association of University Professors—Harvard Faculty Chapter, et al., v. U.S. Department of Justice, et al.*, D. Mass. (No. 25-cv-10910); Complaint (May 23, 2025), *President and Fellows of Harvard College v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-11472).

³²⁶ Order Granting Plaintiff's Motion for a Preliminary Injunction (June 20, 2025), *President and Fellows of Harvard College v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-11472).

³²⁷ Memorandum and Order (June 23, 2025), *President and Fellows of Harvard College v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-11472).

³²⁸ Memorandum and Order (June 23, 2025), *President and Fellows of Harvard College v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-11472).

³²⁹ Defendants' Notice of Appeal to the U.S. Court of Appeals for the First Circuit (June 27, 2025), *President and Fellows of Harvard College v. U.S. Department of Homeland Security, et al.*, D. Mass. (No. 25-cv-11472).

³³⁰ See *Which Schools Trump's Education Department Is Investigating and Why*, Education Week (updated August 14, 2025) (<https://www.edweek.org/policy-politics/see-which-schools-trumps-education-department-is-investigating-and-why/2025/03>); *Trump Has Targeted These Universities. Why?*, New York Times (July 22, 2025) (www.nytimes.com/article/trump-university-college.html).

E. Arrests and Intimidation of Public Officials

Since May, the Trump administration has also arrested public officials who are members of the Democratic Party.³³¹ When Ras Baraka, the Mayor of Newark, New Jersey and Democratic candidate for Governor, arrived with inspectors at Delaney Hall, a newly established ICE detention center in Newark, to conduct lawful oversight, federal agents refused to grant access to the building. Mr. Baraka was subsequently arrested in a public area by “masked federal agents wearing military fatigues” for trespassing.³³² After the U.S. Attorney’s office moved to dismiss the case during a court hearing, the federal judge warned the government against prosecutorial overreach and the government’s responsibility to exercise “judicious restraint, a deep respect for individual liberty, and an unwavering commitment to the principle that justice is never serviced by arbitrary or ill-conceived actions[,]” noting:

An arrest, particularly of a public figure, is not a preliminary investigative tool. It is a severe action, carrying significant reputational and personal consequences, and it should only be undertaken after a thorough, dispassionate evaluation of credible evidence.³³³

Weeks later, federal prosecutors charged Congresswoman LaMonica McIver who was also at Delaney Hall on May 9 to conduct lawful oversight of the facility, with three counts of “assaulting, resisting, impeding, and interfering” with federal officers and their arrest of Newark Mayor Ras Baraka.³³⁴ Days later, federal agents forcibly removed U.S. Senator Alex Padilla from a press conference in Los Angeles after he identified himself as a U.S. Senator and indicated he had a question for the DHS Secretary. Senator Padilla was pushed to the floor and subsequently handcuffed.³³⁵ After law enforcement released him, Senator Padilla stated, “I’m worried about people being so fearful because they see the extreme tactics of this administration that they’ll be too fearful to speak up.”³³⁶ Less than one week later, New York City Comptroller, Brad Lander, was arrested at an immigration courthouse for allegedly “assaulting law

³³¹ See *Images of Handcuffed Democrats Start to Pile Up in Trump’s Crackdown*, New York Times (June 18, 2025) (www.nytimes.com/2025/06/18/us/politics/democrats-arrested-lander-padilla-trump.html).

³³² *Newark’s Mayor Arrested at Protest Outside ICE Detention Center*, New York Times (May 9, 2025) (www.nytimes.com/2025/05/09/nyregion/newark-ice-protest-arrest-ras-baraka.html); see also *Newark Mayor Ras Baraka headed to trial on trespassing charge after arrest at ICE facility*, Politico (May 15, 2025) (<https://www.politico.com/news/2025/05/15/ras-baraka-trespassing-ice-trial-00351878>).

³³³ Transcript on Motion Hearing (May 21, 2025), *U.S. v. Ras Baraka*, D.N.J. (No. 25-mj-11131).

³³⁴ Indictment (June 10, 2025), *U.S. v. LaMonica McIver*, D.N.J. (No. 25-cr-388); see also Department of Justice, U.S. Attorney’s Office for the District of New Jersey, *Congresswoman Charged with Forcibly Impeding and Interfering with Federal Officers* (June 11, 2025).

³³⁵ *Recriminations erupt after Noem guards tackle Padilla*, Politico (June 12, 2025) (www.politico.com/news/2025/06/12/california-sen-alex-padilla-handcuffed-at-noem-presser-00403253).

³³⁶ *What did Sen. Alex Padilla get handcuffed for?*, Washington Post (June 19, 2025) (www.washingtonpost.com/style/power/2025/06/19/alex-padilla-handcuffed/).

enforcement and impeding a federal officer[.]”³³⁷ Mr. Lander has not yet been charged with any crime; however, the U.S. Attorney’s Office stated it is “investigating the incident.”³³⁸

F. Banning Press Credentials to News Outlets and Banning Books

Freedoms of speech and press is a pillar of our democracy. The Trump administration has launched a direct attack on this freedom, often taken for granted, through its banning of news outlets it deems critical of the administration from the White House press pool and its banning of books it deems contrary to the administration’s policies at schools run by the Department of Defense.³³⁹ On April 8, a federal judge granted a preliminary injunction directing the Trump administration to “immediately rescind the denial of the AP’s access to the Oval Office, Air Force One, and other limited spaces based on the AP’s viewpoint when such spaces are made open to other members of the White House press pool” and “immediately rescind their viewpoint-based denial of the AP’s access to events open to all credentialed White House journalists.”³⁴⁰ The D.C. Circuit Court of Appeals has since stayed this ruling.³⁴¹ On April 15, students attending Defense Department schools filed a lawsuit against the administration alleging the administration’s book bans violate their First Amendment rights.³⁴² Both lawsuits remain pending.

CONCLUSION

Throughout its first seven months in office, the Trump administration has disregarded the foundational structure of our government set forth in our Constitution, the laws enacted by Congress, and the rule of law. Beyond that, the Trump administration has actively usurped Congress’s Article I powers, exceeded its authority under Article II, and defied lawful Article III court orders. Should the administration disagree with the laws Congress has enacted, there are processes in place within our democratic form of government to address those concerns.

³³⁷ *Brad Lander, New York City comptroller and mayoral candidate, not charged following arrest at immigration court*, ABC News (June 17, 2025) (<https://abcnews.go.com/Politics/brad-lander-new-york-detained-ice/story?id=122937246>).

³³⁸ *Brad Lander, New York City comptroller and mayoral candidate, not charged following arrest at immigration court*, ABC News (June 17, 2025) (<https://abcnews.go.com/Politics/brad-lander-new-york-detained-ice/story?id=122937246>).

³³⁹ *White House Bars Associated Press From Oval Office, Air Force One*, CBS News (Feb. 14, 2025) (www.cbsnews.com/news/white-house-bars-associated-press-oval-office-air-force-one/); *Trump White House removes WSJ from Scotland trip press pool over Epstein report*, CNN (July 21, 2025) (<https://edition.cnn.com/2025/07/21/media/trump-bans-wsj-wall-street-journal-scotland-press-pool-epstein/>); *ACLU Sues Defense Department and Military Schools Over Book Bans*, New York Times (Apr. 15, 2025) (www.nytimes.com/2025/04/15/us/aclu-sues-defense-department-schools-over-book-bans.html).

³⁴⁰ Memorandum Order (Apr. 8, 2025), *Associated Press v. Taylor Budowich, et al.*, D.D.C. (No. 25-cv-532).

³⁴¹ Order (June 6, 2025), *Associated Press v. Taylor Budowich, et al.*, D.C. Circuit (No. 25-5109) (staying the district court’s preliminary injunction “pending further order of this court except to the extent that the preliminary injunction is applicable to the East Room”).

³⁴² Complaint (Apr. 15, 2025), *E.K., et al., v. U.S. Department of Defense Education Activity, et al.*, E.D. Va. (No. 25-cv-637).

The Trump administration, however, has rejected following those processes and instead, moved to consolidate power and punish those who question its actions. As even conservative groups have argued, “[a]ssertions of unlimited power turn our heritage on its head.”³⁴³ The founders recognized this threat and gave each branch of government the “constitutional means and personal motives to resist encroachments of the others.”³⁴⁴ We are a country of laws, not a King, and Congress and the American people are not subjects to be ruled. However, thus far, Republican majorities in Congress have failed to act, and have instead abdicated many of their responsibilities and Constitutional oaths. As we have seen throughout history, regardless of the Majority party, it is incumbent upon Congress as a body to assert itself and defend its legislative powers in response to Executive overreach, especially when such overreach – left unchecked – puts the structure of our government and the separation of powers at risk. Such inaction poses a grave threat to 249 years of our democratic republic.

³⁴³ Cato Institute, *Cato Handbook for Policymakers*, 9th ed. (2023) (www.cato.org/sites/cato.org/files/2023-03/cato-handbook-9th-edition.pdf).

³⁴⁴ Alexander Hamilton or James Madison, *The Federalist Papers: No. 51* (Feb. 8, 1788) (<https://guides.loc.gov/federalist-papers/text-51-60>).