SPEAKING FREELY

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Minnesota Right to Life experienced targeted harassment in 2020 when activists discovered the identity of the group's mailbox vendor

Groups Challenge Minnesota's Vendor-Disclosure Rules that Enable Harassment

Lawsuit filed by Institute seeks to end disclosure rules that burden First Amendment rights while endangering advocacy groups and their vendors

By Tom Garrett

Minnesota's invasive lobbying disclosure laws practically hand-deliver an "enemies list" to activists looking to harass or threaten groups and their vendors.

Now, two Minnesota advocacy organizations are fighting back, saying the state's disclosure laws violate their First Amendment rights and make political violence easier.

Minnesota Right to Life and Minnesota Gun Rights are challenging the state's sweeping disclosure requirements that force grassroots groups to publicly reveal private vendor information whenever they spend more than $2,000 on advertising that encourages people to contact their elected officials.

Attorneys from the Institute for Free Speech and local counsel Lee U. McGrath have filed a lawsuit on behalf of the groups in the U.S. District Court for the District of Minnesota. The case, *Minnesota Right to Life and Minnesota Gun Rights v. Rashid, et al.*, challenges the state's lobbying disclosure laws. The lawsuit says these mandates chill protected speech and expose advocacy organizations and their business partners to harassment intended to drive such groups out of the public square.

Under Minnesota's broad definition of "lobbying," advocacy groups must register with the government and publicly disclose detailed information about their grassroots activities—including the names and addresses of vendors—whenever they communicate with supporters to encourage them to contact legislators about pending bills. This requirement applies even when organizations never speak directly to public officials themselves and instead merely urge private citizens to make their voices heard.

Disclosure rules like these can inflict devastating harm. Minnesota Right to Life (MNRTL) experienced targeted harassment in 2020 when activists discovered the identity of the group's mailbox vendor and launched a pressure campaign, forcing the vendor to cancel MNRTL's service without warning. Both MNRTL and Minnesota Gun Rights have since been "deplatformed" by multiple vendors providing services like fundraising management and email distribution.

The lawsuit argues that Minnesota's vendor-disclosure requirements violate the First Amendment because the state lacks any substantial

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IFS.ORG
Institute for Free Speech
1150 Connecticut Ave. NW, Suite 801
Washington, DC 20036

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ABOUT THIS PUBLICATION

Speaking Freely is a quarterly newsletter published by the Institute for Free Speech.

The Institute for Free Speech is a nonpartisan, nonprofit 501(c)(3) organization that promotes and defends the political speech rights to freely speak, assemble, publish, and petition the government guaranteed by the First Amendment. Originally known as the Center for Competitive Politics, it was founded in 2005 by Bradley A. Smith, a former Chairman of the Federal Election Commission. The Institute is the nation's largest organization dedicated solely to protecting First Amendment political rights.

CONTACT

Institute for Free Speech
1150 Connecticut Ave. NW, Suite 801
Washington, DC 20036

Phone: 202-301-3300
Email: Info@ifs.org
Website: www.ifs.org

Facebook.com/InstituteforFreeSpeech
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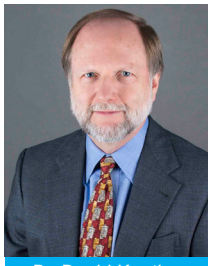
From the President

This is an exciting time for free political speech in America, with major, positive developments unfolding in courtrooms nationwide.

The Supreme Court recently agreed to hear *National Republican Senatorial Committee v. FEC*, a case challenging federal limits on how much political parties can spend in coordination with their own candidates. As Institute Chairman Brad Smith argues in his *Wall Street Journal* op-ed reprinted in this issue (*see page 6*), the case presents an opportunity for the Court to recognize that "political campaigns are speech, and political speech is what the First Amendment protects above all else." Brad makes a compelling case that the government lacks constitutional authority to regulate election campaign speech at all.



By David Keating

The welcome news that the Court will hear *NRSC* comes as we've secured important free speech victories of our own. In *Dinner Table Action v. Schneider*, U.S. Magistrate Judge Karen Frink Wolf granted a permanent injunction blocking enforcement of Maine's ban on super PACs. The court ruled that both the $5,000 contribution limit for independent expenditure groups and the law's unprecedented disclosure requirements violate the First Amendment.

This victory aligns with unanimous federal precedents recognizing that independent expenditures cannot lead to corruption. The Institute helped establish this principle when, along with our friends at the Institute for Justice, we litigated *SpeechNow.org v. FEC*, the appellate court ruling that legalized super PACs. Maine recently appealed the ruling, and we look forward to continuing to defend this important constitutional right.

We've also earned a significant settlement victory at Golden West College in California, where officials threatened conservative students for expressing views on illegal immigration, Hamas, and other political topics. The settlement requires the college to eliminate its "hateful behavior" policy and to explicitly protect First Amendment expression in campus speech codes.

This case holds special meaning because plaintiff Matin Samimiat fled authoritarian Iran to seek freedom in America, only to face censorship on a California college campus. Our victory ensures future students won't face similar threats for expressing constitutionally protected political viewpoints. The college also agreed to pay over $25,000 in attorney fees, part of a broader trend of our fee awards creating real financial consequences for constitutional violations.

These fees enable us to continue our work, tackle additional cases, and also provide funding for research and communications activities. With new litigation challenging censorship by a New Hampshire school board and seeking to strike down Minnesota's invasive disclosure laws, we're expanding our capacity to defend Americans' political speech rights.

Beyond our direct litigation, we're also influencing jurisprudence through strategic amicus briefs in crucial political speech cases.

But the primary driver of this effort is you, our supporters. This work would be impossible without your support. With your help, we'll continue to ensure that government officials respect the First Amendment.

Thank you for standing with us in the fight to defend free speech.

★★★★
CHARITY NAVIGATOR
Four Star Charity

The Institute has earned Charity Navigator's top rating of four stars.

RECENTLY IN THE MEDIA

Daily Mail

By Luke Andrews

Free speech fury after woke university censors professor for quoting a line every American learns in school

6/25/25 Dr. Bruce Gilley, a political scientist and climate change researcher, was 'blocked' on X by the University of Oregon after he posted 'all men are created equal.' Dr. Gilley — who is employed by Portland State University — was responding to a post by the college which encouraged people to 'interrupt racism.' In response, he filed a lawsuit claiming the University of Oregon had violated his First Amendment Rights.

The university un-blocked him after 60 days, but federal judges allowed the case to proceed — saying the professor raised legitimate claims that the university had violated his free speech rights, given it is a state-funded, public institution. The two parties have now reached an out-of-court settlement, revealed this month, that sees the University of Oregon pay out more than $730,000 and update its social media policy.

The Washington Post

By Justin Jouvenal and Beth Reinhard

Supreme Court will hear challenge to limits on political party spending

6/30/25 The Supreme Court will hear a significant campaign finance case next term that will examine whether it violates the Constitution to restrict the amount of money that political parties can spend in coordination with individual candidates on advertising and other communications...

Most states don't restrict the amounts that parties can spend in coordination with candidates, said David Keating, president of the Institute for Free Speech, which filed a brief supporting the Republican committees' request for the high court's involvement.

"This case is a complete outlier, and this is long overdue," Keating said. "There is no evidence that it will lead to corruption, so I think it's extremely unlikely the court will uphold this restriction."

THE WALL STREET JOURNAL.

By Kim Strassel

Newsletter: All Things with Kim Strassel

7/23/25 In a decisive win for free speech, U.S. Magistrate Judge Karen Frink Wolf last week blocked implementation of Maine's Question 1, passed by state voters last year to handcuff political action committees that make independent expenditures. The judge agreed with two "superPACs"—represented by the Institute for Free Speech—in a case arguing that both the law's restrictions on contributions to groups, and its forced disclosure of donors, violate the First Amendment.

Supporters of the law are appealing, hoping to take the case all the way to the Supreme Court, though Judge Wolf's opinion makes a persuasive case that the High Court has already settled these questions—in favor of free speech.

The Washington Post

By Michelle Boorstein and Sabrina Rodriguez

IRS says churches should be allowed to make political endorsements

7/8/25 There are still a lot of questions about the impact of the IRS's interpretation of the Johnson Amendment, said David Keating, president of the Institute for Free Speech. Would sermons at churches with a large online audience qualify as having a "family discussion," as the IRS described it? Would a church be allowed to take out paid ads?

If the parameters aren't clear, congregations or other nonprofits may censor themselves, Keating said.

Groups Challenge Minnesota's Vendor-Disclosure Rules that Enable Harassment

Continued from Page 1

government interest in knowing who an organization's vendors are while significantly burdening protected speech. Unlike traditional lobbying regulations aimed at preventing corruption between lobbyists and public officials, these rules target grassroots advocacy among private citizens—an area where concerns about anti-corruption don't apply.

"We're not talking to politicians—we're talking to our friends and neighbors," explained Ben Dorr, Executive Director of Minnesota Gun Rights and Minnesota Right to Life. "But Minnesota treats a text message asking supporters to call their legislator the same as a corporate lobbyist meeting with an elected official, complete with public disclosure requirements that put our vendors at risk."

The lawsuit comes as privacy advocates nationwide warn about the dangers of forced disclosure in an increasingly volatile political climate. The recent assassination of Minnesota lawmaker Melissa Hortman has demonstrated the deadly consequences of making personal information readily available. This makes Minnesota's vendor disclosure requirements particularly irresponsible, as they unnecessarily expose private citizens to similar risks simply for doing business with advocacy groups.

"Minnesota's disclosure laws deliver targets to activists on a proverbial silver platter—and that's the point," explained Institute for Free Speech Senior Attorney Brett Nolan. "In an era of increasing political violence and doxxing, these rules serve no legitimate government interest. They exist solely to make expressing certain opinions more difficult and more expensive, shutting down political speech and driving groups with disfavored viewpoints out of the public square."

The lawsuit seeks to enjoin enforcement of Minnesota's vendor-disclosure requirements and grassroots lobbying registration rules. The organizations are also requesting emergency injunctive relief to prevent further enforcement while the case proceeds.

Tom Garrett
Vice President and Chief Communications Officer

NYC Parent Leaders Secure Settlement Victory against Speech Censorship

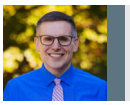
Settlement with former school board officials marks an important step forward as broader viewpoint discrimination lawsuit continues

By Tom Garrett

Three parent leaders who successfully challenged unconstitutional speech restrictions by Brooklyn school board officials have scored a win for free speech.

Plaintiffs Deborah Alexander, Maud Maron, and Noah Harlan, represented by the Institute for Free Speech, reached a settlement with the individual defendants who excluded them from public meetings and blocked them on social media because of their political viewpoints. The settlement with former CEC 14 President Tajh Sutton and First Vice President Marissa Manzanares follows a federal court's preliminary injunction ruling in September 2024. The case, *Alexander, et al. v. Sutton, et al.*, challenges Community Education Council (CEC) 14's practice of punishing critics and imposing vague "community guidelines" that prohibit "oppressive beliefs," "bad faith arguments," and "misinformation." The court's preliminary injunction ruling found that these restrictions likely violate the First Amendment by discriminating against speakers based on viewpoint. The 2024 ruling also ordered Maron's immediate reinstatement to CEC 2, from which she had been removed for criticizing officials. Under the settlement terms, Sutton and Manzanares will be dismissed from the lawsuit after promising not to discriminate against the plaintiffs' viewpoints should they hold public office again, and after paying each plaintiff $17.91 in nominal damages.

The larger case against the New York City Department of Education's Regulation D-210 speech code continues. That regulation governs the speech of CEC and Citywide Council members and has been weaponized against elected parent leaders for expressing views officials find objectionable.



Tom Garrett
Vice President and Chief Communications Officer

Lawsuit Challenges NH School Board's Censorship during Debate over Women's Sports

The board silenced and threatened Beth Scaer with police intervention after she referred to a biologically male athlete who played on the girls' soccer team as a "tall boy"

By Tom Garrett

Beth Scaer spoke out against male athletes playing on girls' high school sports, contrary to state law, at a local school board meeting—but Board Chair Alison Mastin silenced her just seconds into her remarks and threatened to have the police remove her, claiming she had violated an unwritten policy against "derogatory comments" for merely referring to a biologically male athlete who competes on the girls' soccer team as a "tall boy."

Plaintiff Beth Scaer is fighting back against unconstitutional censorship

Photo by: Visuals by Mugsy

Now, Scaer is fighting back against this unconstitutional censorship.

Attorneys from the Institute for Free Speech filed a federal lawsuit in May in the U.S. District Court for the District of New Hampshire on behalf of Scaer. The case, *Scaer v. Mastin*, et al., challenges the Kearsarge Regional School Board's enforcement of the unwritten "no derogatory comments" rule, which the board has repeatedly used to censor public discussion of controversial topics.

The incident occurred during a heated debate over New Hampshire's Fairness in Women's Sports Act (FWSA), a law reserving girls' sports for biological females. While the board silenced Scaer at the August 2024 meeting, it granted other speakers their full three minutes to express support for the transgender athlete by name. One attendee even displayed a sign with the athlete's name, which the board allowed.

The lawsuit contends that the board's actions are unconstitutional viewpoint discrimination. The suit also argues that the unwritten "no derogatory comments" rule is unreasonable, vague, overbroad, and selectively enforced against disfavored viewpoints.

"School boards cannot invent speech rules on the fly to silence citizens expressing views they dislike," said Institute for Free Speech Attorney Nathan Ristuccia. "This unwritten rule about 'derogatory' comments gives the board unchecked power to determine which speech is acceptable and which isn't—precisely what the First Amendment prohibits."

"Everyone deserves an equal opportunity to address their elected officials without fear of censorship," explained Scaer. "This case is about ensuring that all citizens—regardless of their viewpoint—can participate in public meetings and comment on issues that are important to the community."

The lawsuit seeks to enjoin enforcement of the "no derogatory comments" rule, prevent discrimination against speech based on viewpoint, and establish that Scaer's First Amendment rights were violated.

The suit aims to ensure that Scaer—and others—can speak freely at future board meetings without fear of censorship, retaliation, or removal simply for expressing controversial or dissenting views.

Tom Garrett
Vice President and Chief Communications Officer

THE WALL STREET JOURNAL.

Campaign Regulations Are Unconstitutional

The government has the power to administer elections, not to control speech about them.

By Bradley A. Smith

The Supreme Court has repeatedly stated that "the First Amendment has its fullest and most urgent application precisely to the conduct of campaigns for political office." But it has declined to review, and in some cases affirmed, many campaign-finance laws that directly abridge First Amendment rights. Can the government legitimately exercise this power over our "fullest and most urgent" political speech?

The justices should ask these questions in *National Republican Senatorial Committee v. Federal Election Commission*, which they on Monday agreed to hear. The NRSC is challenging federal limits on how much a political party can spend in coordination with its own candidates—as if it were a bad thing for a party and its candidates to work together. The Sixth U.S. Circuit Court of Appeals, sitting en banc, reluctantly upheld the restrictions on the basis of a 2001 Supreme Court precedent, *FEC v. Colorado Republican Federal Campaign Committee*, (known as *Colorado II*) calling them a "legal last-man-standing." But most of the judges strongly encouraged the high court to re-examine that precedent.

Since *Colorado II*, the legal and practical landscape of campaign finance has shifted dramatically. The Supreme Court, with increasing rigor, has held that only preventing quid pro quo corruption—the exchange of official acts for money—can justify restrictions on spending to finance political speech. Broader theories about "the amount of money in politics," "undue influence" or "leveling the playing field" are no longer winning arguments. The several opinions in the Sixth Circuit reveal deep skepticism about the current regulatory regime.

But the problem goes deeper than the need to define "corruption" and balance it against the "urgency" of political speech. There is no constitutional basis for government to regulate political speech through campaign-finance laws.

When Congress passed the Federal Election Campaign Act in 1971, it claimed authority under its constitutional power to regulate the "time, place and manner" of elections. The Supreme Court accepted this premise without analysis in *Buckley v. Valeo* (1976). But political campaigns aren't "elections," and campaign-finance laws obviously don't regulate the time and place of an election. But neither do they regulate the manner of holding an election. Dating may precede marriage, but it isn't marriage. Similarly, campaigns precede elections, but those campaigns aren't elections. They are speech: Americans are debating and talking about the candidates.

It is time to recognize that the government has no business regulating political and campaign speech at all.

Elections are the casting and counting of votes. To run an election, the government must choose the date and polling places, manage voter registration, tally ballots and so on. Administering an election is far dif-

The Supreme Court will hear NRSC v. FEC *and have the opportunity to begin untangling decades of campaign finance regulations*

Sergii Figurnyi/Shutterstock.com

ferent from regulating a political campaign—a candidate or party's conversations with voters. Campaigns consist of speech, publishing and assembly, three fundamental rights enshrined in the First Amendment.

When government regulates campaigns, it is directly and explicitly regulating protected First Amendment activity. Debate about issues and candidates happens every day in America, with or without an election pending. It isn't possible to cabin off "election" speech from general political discourse, and there is nothing about regulating the manner of an upcoming election that allows the government to interfere in that public discussion. Congress not only lacks the enumerated power to do so but is specifically prohibited from doing so by the First Amendment.

Blurring the lines between political speech (protected) and the manner of holding an election (a proper subject of regulation) has led lawmakers and the Supreme Court to create numerous arbitrary distinctions—for example, between speech that is "coordinated" with a candidate, and speech that is "independent" of a candidate; between "express advocacy" of election or defeat of a candidate, and "issue advocacy" that talks about candidates and issues without specifically urging a vote for a candidate; between campaign "expenditures" and mere "electioneering." These distinctions have no constitutional basis. All speech about politics and current affairs is ultimately aimed at influencing policy, and thus influencing who holds office and how they exercise that power. As Justice Oliver Wendell Holmes put it, "Every idea is an incitement."

It is time to recognize that the government has no business regulating political and campaign speech at all. Just as the religion clauses of the First Amendment have been understood to separate church and state, the amendment also requires a separation of campaigns and state. The justices should prevent those in power from regulating debate about whether they should remain in power.

NRSC v. FEC gives the Supreme Court an opportunity to begin untangling the constitutional mess created by decades of campaign-finance regulation and jumbled court decisions. Rather than managing arbitrary lines between different types of political speech, the high court should return to first principles: Political campaigns are speech, and political speech is what the First Amendment protects above all else.

This article was published in the *Wall Street Journal* on July 1, 2025.

Bradley A. Smith
Founder and Chairman of the Board

Institute Lawsuit Ends California Campus Censorship

Golden West College agrees to eliminate "hateful behavior" restrictions and protect First Amendment expression after previously threatening student clients for their viewpoints

By Tom Garrett

Plaintiff Annaliese Hutchings helped protect campus speech rights for her classmates

When Matin Samimiat fled authoritarian Iran for the freedom of America, he never expected to face censorship again—this time on a California college campus.

Now, with the help of the Institute for Free Speech, Samimiat and fellow student Annaliese Hutchings have secured a major victory for student free speech rights, as Golden West College has agreed to repeal unconstitutional speech restrictions and pay attorney fees to resolve a federal lawsuit challenging its campus censorship.

The settlement in *Samimiat, et al. v. Smallshaw* requires the Coast Community College District to formally repeal its prohibition on "hateful behavior" and modify its "infliction of mental harm" policy to explicitly protect First Amendment expression. The college also agreed to pay $25,750.89 in attorney fees and expenses to the Institute for Free Speech, which represented the students and the Young America's Foundation (YAF), a campus organization for young conservatives. Additionally, Samimiat and Hutchings will each receive $17.91 in nominal damages, with the figure symbolizing the year of the First Amendment's ratification.

The case stemmed from college disciplinary officer Stephanie Smallshaw threatening YAF members Samimiat and Hutchings with punishment for displaying messages including "Illegal immigration is a cancer upon any society" and "Hamas is a terrorist organization, and they must be wiped from the face of the earth" during a campus club fair in February 2025. Smallshaw warned the students that they faced discipline for using the cancer metaphor, claiming it "dehumanizes a group of people" and could be "harmful to people who have experienced cancer." Regarding Hamas, she insisted their statement could "incite violence" and demanded they stop using "offensive language" because "some students here believe Hamas is not a terrorist organization."

When Samimiat reported that other students had directed vulgar personal attacks at him—including telling the Iranian-born American citizen to "Go back to your f*cking country"—Smallshaw suggested the YAF students' own "provocative language" expressing conservative viewpoints had triggered these attacks.

The students faced months of resistance before finally receiving official recognition for their YAF chapter in March 2025. However, following Smallshaw's threats, they largely ceased political advocacy on campus. Under the settlement, the college district must eliminate the "hate-

Plaintiff Matin Samimiat's legal victory led to changes to Golden West Community College's speech code

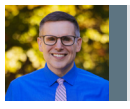
Photo by: Young Americans for Freedom

ful behavior" provision entirely and modify the "infliction of mental harm" policy to include new language stating: "Speech or other expressive conduct protected by the First Amendment, including the expression of social, ideological, or political viewpoints, does not violate this provision."

"Students shouldn't have to try to guess what speech is allowed by college administrators or fear punishment for taking a political stance," said Institute for Free Speech Vice President for Litigation Alan Gura. "Public college officials can't silence students simply because the students' constitutionally protected opinions might offend others—that's exactly the kind of viewpoint discrimination the Constitution forbids. This settlement ensures that students can now engage in robust political debate without administrative censorship or threats."

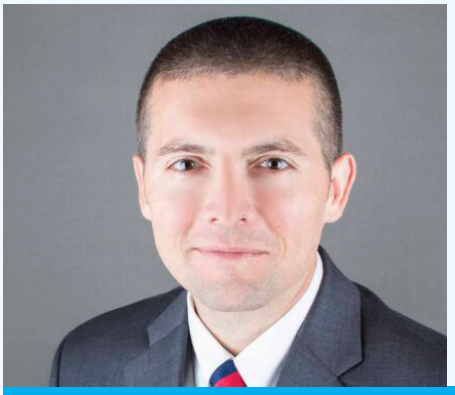
"This settlement reminds us that the First Amendment still means something in America," said Matin Samimiat. "When I came to this country from Iran, I never imagined I'd have to fight for the same free speech rights here that were denied to me there. But thanks to this victory, future students won't have to choose between expressing their deeply held beliefs and facing discipline under an unconstitutional speech policy."

The federal lawsuit challenged the disciplinary code provisions as unconstitutionally vague, overbroad, and selectively enforced against conservative viewpoints. Following the settlement, U.S. District Judge Fred W. Slaughter dismissed the case on July 18.



Tom Garrett
Vice President and Chief Communications Officer

Owen Yeates Returns to Institute as a Senior Attorney



The Institute for Free Speech is pleased to announce the return of Owen Yeates as a Senior Attorney on the litigation team.

Owen was initially hired at the Institute in 2015 as a Staff Attorney and was promoted in 2021 to Senior Attorney and Deputy Vice President for Litigation. He also served as Acting Legal Director following the departure of Allen Dickerson to the FEC. From May 2022 to May 2025 Owen served as Deputy District Attorney for Multnomah County in Oregon.

"We are excited to welcome back Owen Yeates to our litigation team," said Institute for Free Speech President David Keating. "He will also take on an important role in our regulatory, legislative, and policy work. Owen's previous work at our organization has been invaluable; he played a key role in many of our cases and, in doing so, helped set a legal precedent that will protect American speech rights for years to come. We look forward to his continued contributions."

Please join us in welcoming back Owen Yeates to our staff.

Sarah Fisher
Associate Director of Communications

Institute Fee Awards Incentivize Institutions and Insurers to Respect First Amendment Rights

Recent fee awards in Institute cases totaling nearly $470,000 show that violating free speech rights comes with a hefty price tag

By Tom Garrett

Nearly every case the Institute for Free Speech litigates includes a request for attorney fees. We have several reasons for this practice.

First, the financial impact signals to lawbreakers that constitutional violations carry substantial costs. Otherwise, bad actors can view "go forth and sin no more" injunctions as less consequential. Second, the fee award generates additional media attention that can help deter future violations. Third, insurance companies sometimes cover these fees, which may prompt them to inquire about First Amendment compliance before providing a quote or underwriting policies.

Finally, these fees allow us to make our supporters' contributions go further by strengthening our ability to do more work, take more cases, and defend more Americans' rights against constitutional violations. Three recent fee award victories in Institute cases demonstrate that such violations don't come cheap.

University of Oregon Pays Nearly $200,000 for Social Media Censorship

In March, Judge John V. Acosta ordered the University of Oregon's insurer to pay $191,000 in attorney fees to Professor Bruce Gilley's legal team. The case began when the university's Division of Equity and Inclusion blocked Gilley from its official Twitter (now X) account in June 2022 after he wrote "all men are created equal" when reposting a university "racism interrupter." Combined with the university's reviously disclosed legal costs exceeding $533,000 for its losing defense, the total bill for defending this unconstitutional censorship reached at least $724,000. The fee award followed a settlement in which the university acknowledged that Gilley's speech should not have been censored and agreed to implement pro-speech reforms.

Oklahoma Press Access Violations Generate $170,000 Fee Award

Oklahoma Superintendent Ryan Walters and former Press Secretary Dan Isett must pay $170,461.25 in attorney fees after an order from Judge Bernard M. Jones. The case began with an early TRO in which Judge Jones rejected officials' rationale as "little more than a ruse, masking an effort to punish a news organization for its editorial stance" when they violated the First Amendment by repeatedly blocking 75-year-old television station KFOR and its journalists from covering State Board of Education meetings, claiming KFOR wasn't a "legitimate" news organization.

The merits of the case concluded with a December 2024 courtroom settlement as trial was about to begin that restored KFOR's full press access. The defendants refused to agree on a fee award, resulting in the court ordering over $170,000 to be paid. Walters has appealed the award. Because the appeal itself will require additional legal work, it may result in a larger fee award if the appeal is unsuccessful.

Kansas Pays Almost $100,000 for Campaign Finance Overreach

Meanwhile, Kansas officials agreed to pay $98,500 in attorney fees after losing in court to our client Fresh Vision OP, a grassroots advocacy group that challenged the state's unconstitutional definition of a political committee. The organization had suspended operations after officials threatened its officers with ruinous fines and penalties following the organization's endorsement of a 2021 mayoral candidate.

Judge Daniel D. Crabtree issued a permanent injunction preventing state officials from regulating the group as a political action committee, ruling that electoral advocacy was merely "a" major purpose rather than "the" primary purpose of the group. At the Institute's recommendation, Kansas lawmakers later passed legislation that brought the definition into compliance with the First Amendment and codified other pro-speech reforms.

These fee awards send a clear message to government officials that violating the First Amendment carries serious financial consequences.

Tom Garrett
Vice President and Chief Communications Officer

News in Brief

Highlights of some of the Institute's latest contributions to free speech advocacy

By Sarah Fisher

The Institute's amicus brief argues that Arizona's Proposition 211 is at odds with the state's constitution.

CENTER FOR ARIZONA POLICY
Advocating So Arizona Families Can Thrive

Institute's Amicus Brief Cited in Powerful Dissent

The Institute filed an amicus brief in April urging the Sixth Circuit Court of Appeals to rehear *Boone County Republican Party Executive Committee, et al. v. Wallace, et al*. en banc. The case concerns a Kentucky law that prevents political parties from speaking for or against any ballot issues unless the parties form a separate political committee with separate funding raised specifically for that purpose. While the court ultimately denied the en banc petition, Judge John Nalbandian favorably cited the Institute's amicus brief in his dissent and commented, "…*Citizens United* should have governed here. By putting a political party's general funds off limits for core political speech, Kentucky's regime violates the First Amendment." The case is still in a preliminary phase and will return to the district court for a full briefing.

Brief Urges Supreme Court to Reverse Decision Upholding Law that Censors Therapists

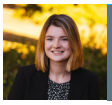
In June, the Institute for Free Speech submitted an amicus brief to the U.S. Supreme Court urging the court to reverse the Tenth Circuit's ruling in *Chiles v. Salazar*. Chiles pertains to a Colorado law prohibiting licensed therapists from providing minors with "talk therapy" aimed at exploring or reducing unwanted same-sex attractions or gender identity conflicts, even though the patient voluntarily seeks it. The brief notes that "the First Amendment demands better evidence than that provided by Colorado to limit core First Amendment rights." It warned the Court that "In the campaign-finance context, similar damaging deference is seen regarding campaign contribution limits" and regulations of political speech.

Institute Details How California City Law Unconstitutionally Silences Government Critics

The City of Oxnard in California crafted and weaponized a campaign finance law to target and silence its most vocal critic, blatantly violating the First Amendment's protection against government viewpoint discrimination. That's why the Institute for Free Speech filed an amicus brief in *Moving Oxnard Forward, Inc. v. Lourdes Lopez* before the en banc U.S. Court of Appeals for the Ninth Circuit. The brief implored the court to declare "Measure B" unconstitutional. A decision is expected next year.

Brief: Arizona Proposition 211 at Odds with State Constitution

Arizona's state constitution guarantees its citizens the right to "freely speak, write, and publish," but Proposition 211's disclosure burdens are an undue and unconstitutional encumbrance on Arizonans' ability to participate in discourse about government and its officials. The Institute for Free Speech filed a brief of amicus curiae before the Supreme Court of Arizona explaining that Proposition 211 is clearly at odds with "speaking freely," urging the court to deem the law unconstitutional and facially invalid.



Sarah Fisher
Associate Director of Communications

Federal Judge Strikes Down Maine Ban on Super PACs

Institute for Free Speech wins permanent injunction protecting citizens' right to pool resources for independent political speech

By Tom Garrett

In a major victory for free speech, a federal magistrate judge has blocked the campaign finance restrictions created by Maine's "Question 1," ruling that those restrictions violate the First Amendment.

U.S. Magistrate Judge Karen Frink Wolf granted a permanent injunction in the Institute for Free Speech case *Dinner Table Action, et al. v. Schneider, et al.*, preventing enforcement of the "Act to Limit Contributions to Political Action Committees That Make Independent Expenditures," more commonly known as Question 1. The law, passed by voters in 2024, imposed a $5,000 annual limit on contributions to groups making independent expenditures and required disclosure of all donors regardless of contribution size.

Charles Miller of the Institute for Free Speech and local counsel Joshua D. Dunlap of Pierce Atwood LLP filed the lawsuit, representing Dinner Table Action, For Our Future, and Alex Titcomb in challenging the measure.

The court's ruling aligns with unanimous federal precedent. Every federal appellate court to consider similar restrictions has found them unconstitutional, recognizing that independent expenditures cannot lead to corruption. The Institute helped establish this precedent by litigating the foundational D.C. Circuit case *SpeechNow.org v. FEC* alongside the Institute for Justice.

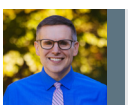
Question 1's $5,000 contribution limit would have devastated grassroots campaigning. Over one-third of Dinner Table Action's funding comes from donors who contribute above that amount, and For Our Future has been exclusively funded by contributions exceeding $5,000.

"This ruling reaffirms that the First Amendment protects citizens' right to pool their resources for political speech," said Institute for Free Speech Senior Attorney Charles "Chip" Miller. "The Free Speech Clause is not only for the wealthy few who can afford to get a message out individually. The rest of us can pool our money to speak, too. What's more, Maine tried to silence independent voices while giving party bosses unlimited fundraising power, showing the law was designed to concentrate power. Today's decision ensures all Mainers can speak freely and equally in election campaigns."

In addition, the injunction halts Question 1's unprecedented disclosure requirements that would have forced groups to report all contributors of even minuscule amounts—far beyond existing requirements for candidates or party committees.

"Dinner Table Action has hundreds of members who value the right to speak collectively. This injunction protects our, and every Mainer's, fundamental right to join together and speak about elections," said Alex Titcomb, Executive Director of Dinner Table Action. "I'm thrilled with this outcome, as it makes it clear that the government cannot restrict independent political speech or limit Mainers' ability to speak about the issues that matter to them."

"Speaking anonymously has famously been at the core of American political speech since before the founding," Miller explained. "This has been forgotten in the past century as the government claimed an 'informational interest' in disclosing speakers' identities and addresses. This has inescapably led to the doxing, firings, boycotting, and harassment of political speakers. It was a mistake for courts to depart from the Founders' appreciation of anonymous speech."



Tom Garrett
Vice President and Chief Communications Officer

INSTITUTE FOR FREE SPEECH

Institute for Free Speech
1150 Connecticut Ave. NW, Suite 801
Washington, DC 20036

Phone: 202-301-3300 | Email: Info@ifs.org
Website: www.ifs.org