ENEMIES OF THE STATE

NSPM-7 and the Trump Plan to Crush Dissent

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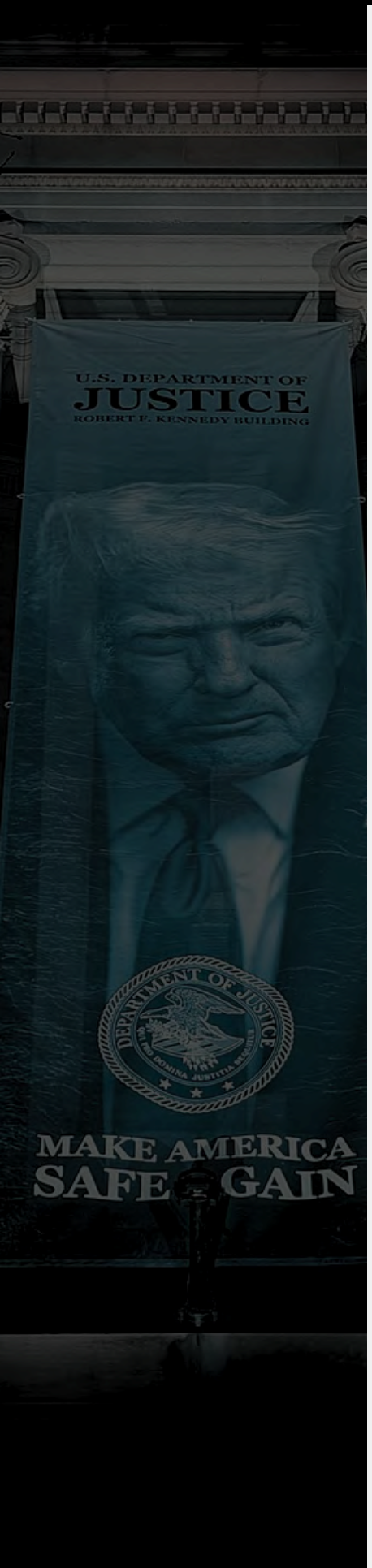

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I. EXECUTIVE SUMMARY

In September 2025, the Trump White House released the National Security Presidential Memorandum "Countering Domestic Terrorism and Organized Political Violence," most commonly known by the acronym NSPM-7. Its stated objective is to "disband and uproot networks, entities, and organizations that promote organized violence, violent intimidation, conspiracies against rights, and other efforts to disrupt the functioning of a democratic society."[1] In reality, it is a blueprint to neutralize the administration's opponents and suppress dissent.

NSPM-7 seeks to empower various tentacles of the federal government to coordinate and expand surveillance, investigations and prosecutions, all in the name of stamping out "domestic terrorism" and crushing "antifa." While this presidential action gives the government no new powers or authorities, its goal is to enhance collaboration among agencies to maximize their prosecutorial powers — creating an unprecedented impact on would-be defendants engaged in conduct the administration deems anti-American.

NSPM-7 couples this counterterrorism framework with sophisticated conspiracy charges the Justice Department prosecutes. In so doing, it enables the federal government to wield its strongest weapons against anyone it considers a threat. The Trump administration is using these powerful tools to target dissidents, protesters and civil society.

This Free Press report identifies three troubling hallmarks of the NSPM-7 framework:

1. **Broad Application Targeting Commonplace Activities**: The NSPM-7 blueprint sets a goal of making commonplace and constitutionally protected activities — like texting among friends or sharing reading materials about constitutional rights — evidence of major terroristic crimes. This exposes untold numbers of innocent people to criminal sanctions for their beliefs and basic expressive exchanges.

2. **Infliction of the Most Severe Penalties**: The NSPM-7 blueprint enables efficient coordination across federal agencies to go after the greatest number of people through surveillance, investigation and prosecution. The aim is to levy the heaviest penalties across agencies to achieve the harshest sentences.

3. **A Limitless Mandate With No Guidelines or Guardrails**: While the methods, severity and application of the blueprint are explicit, the framework sets no standards for application — whether physical, geographic, thematic or constitutional. As a result, nothing is off the table for NSPM-7 to sweep up and target.

In the year since Trump issued NSPM-7, the Justice Department and the White House have released additional official frameworks that expand on the original directive's mandate. The Justice Department has initiated prosecutions, and the Department of Homeland Security has surveilled and investigated people engaged in constitutionally protected activities: protesting outside, leafleting about basic rights, texting about where immigration officials are. Congressional allies of Trump are pursuing similar investigations of left-leaning and center-moderate organizations, foundations and individuals. And other agencies such as the Internal Revenue Service have launched financial investigations to chill civic engagement.

NSPM-7 has historical counterparts, like COINTELPRO and the Patriot Act, which have used similarly expansive national-security mandates to justify the pursuit, investigation and prosecution of a wide swath of people, beliefs and activities. The government deployed these programs to criminalize dissent and attack marginalized voices, amassing criticism and legal scrutiny from First Amendment litigators, constitutional-law scholars and intelligence experts.[2]

The NSPM-7 framework is the latest escalation of this administration's censorial campaign to stamp out opposition. But this blueprint isn't merely a set of disparate threats or one-off attacks like some of the administration's often unconstitutional attempts to whittle away at free speech and dissent.[3]

NSPM-7 is uniquely chilling and efficient: It treats speaking out, protesting and civic-engagement activities as evidence of terrorism. NSPM-7 is a new kind of escalation, strengthening the government's hand to suppress whatever it considers politically or socially oppositional — and then inflicting maximum damage on that opposition.

NSPM-7 sets the stage for the administration to deploy vastly outsized and unprecedented cross-agency authorities to criminalize *whatever* public-engagement activities it seeks to eliminate. The midterm elections are at our doorstep; the president is eagerly pursuing election-fraud narratives, telling voters he will pay them off if they vote for Republicans — and leveraging his executive power to sway election results if he can. Already Homeland Security officials have investigated more than 150 nonprofit organizations under the guise of "election integrity." It's by no means outside the realm of possibility that NSPM-7 becomes the vehicle to shut down civic engagement and political expression in the months to follow.

No Kings protesters march in front of Trump Tower in Manhattan. Photo by Timothy Karr

NSPM-7 IS UNIQUELY CHILLING AND EFFICIENT: IT TREATS SPEAKING OUT, PROTESTING AND CIVIC-ENGAGEMENT ACTIVITIES AS EVIDENCE OF TERRORISM.

II. PUBLIC ENEMY NO. 1

NSPM-7 lays out a relatively simple mandate: It directs the National Joint Terrorism Taskforces (JTTF) to investigate and prosecute "domestic terrorism organizations." Currently, only the State and Treasury Departments have the authority to designate *foreign entities* as terrorist groups. The government cannot simply proclaim that a domestic group is a terrorist organization because of the clear First Amendment risks such a power would pose.

NSPM-7 emboldens federal agencies — the Justice Department, the Department of Homeland Security, the Treasury Department, the Internal Revenue Service (IRS) — to use existing criminal, counterterrorism, tax, intelligence and investigative authorities to go after First Amendment-protected and otherwise lawful activities "to the maximum extent permitted by the law."

To do so, the memorandum creates as broad a dragnet as possible to justify its surveillance of, investigation into and prosecution against any individual or organization that the administration seeks to discredit or silence. **There are no fixed definitions in NSPM-7; instead, it creates a moving target under the umbrella of "anti-fascism."** It's designed to be expansive and can be applied to any ideological orientation the administration opposes. It lumps together various movements and ideas as "anti-Americanism, anti-Christianity, and anti-capitalism" — and rebrands them as terroristic. Earlier in 2026, the government labeled people opposing data centers as "anti-technology extremists" and added them to the list of threats.[4]

Notably absent from any terrorism designation are the known far-right actors who have long been recognized as the largest faction of homegrown U.S. extremism.[5] NSPM-7 was released weeks after Charlie Kirk's killing, and it exploits that murder to sanction a crackdown on alleged political violence on the left, represented by antifa. Short for "anti-fascist," antifa refers to a decentralized network of activists who identify with the legacy of leftist political groups who opposed the fascist regimes of Europe in the 1930s. The movement is more of an idea than anything, broadly standing for opposition to authoritarianism — but that hasn't stopped Trump and the right from turning it into an enemy and tarring other political groups by association.

Antifa has no central leadership, organizational structure or formal membership. Yet the term has become a fixation for the political right since Trump's first term, a catch-all for groups MAGA has worked to demonize. This obsession only grew after some protesters identifying as anti-fascist participated in the counter-protest at the white-supremacist Unite the Right rally in Charlottesville, Virginia, in 2017.[6]

NSPM-7 furthers the administration's erasure of far-right political violence. Despite long-standing evidence that right-wing extremism and white supremacy have driven the majority of political violence in the United States,[7] Trump continues to give them cover, whether equating "both sides" at the Charlottesville rally or by issuing sweeping pardons and commutations for approximately 1,500 insurrectionists who rioted at the Capitol on Jan. 6. Though attacks on right-wing figures rose in 2025 — as evidenced by Kirk's assassination — congressionally mandated

reports from the FBI and DHS have shown that white supremacists have been the most lethal source of domestic terror since 2017. Furthermore, Kirk's killing has raised the profile of a new terrorism category, nihilistic violent extremism (NVE), in which actors commit violence without allegiance to a clear political ideology.[8]

When first released, NSPM-7 seemed like just another example of the president tilting at windmills, in a long procession of personal vendettas Trump has pursued throughout his career in and outside of elected office.[9] As the ACLU noted: "The memo is a fever dream of conspiracies, outright falsehoods, and the president's distorted equation of criticism of his policies by real or perceived political opponents with 'criminal and terroristic conspiracies.'"[10]

But in the year since its release, and the investigations and prosecutions that have followed, it's clear that NSPM-7 marks a dangerous escalation. With this blueprint, the administration is using the threat of political violence to target constitutionally protected political speech and the social fabric of political organizing, such as texting and the sharing of physical or digital information. **Using conspiracy and terrorism frameworks, the government is turning such associational activities into evidence of a criminal plot.**

Leafletting, speaking back to law-enforcement officers, and engaging in private and ordinary communications all risk becoming crimes under the Trump administration.

Denouncing criticism and civil resistance as terrorism is a well-worn authoritarian strategy deployed to delegitimize the opposition.[11] Civil-rights advocates have continually warned of the danger posed when the U.S. government suppresses its perceived political opponents in the name of security. Yet as long as those enemies remained "the other," contained on the fringes of society, terrorism prosecutions stood largely unchallenged. As such, the language of terrorism is a potent weapon, ready to be discharged against any form of criticism and dissent.

The goal of NSPM-7 is to deter people who are beginning to challenge emergent issues such as the rushed construction of data centers or the proliferation of surveillance cameras. Guilt by association will spread, spinning up fear and chilling political activity. And that's the goal.

Pages from a zine about women involved in the 1915 Glasgow Rent Strikes and suffrage activism, created by the Scottish collective Protests and Suffragettes. Photo by t s Beall

LEAFLETTING, SPEAKING BACK TO LAW-ENFORCEMENT OFFICERS, AND ENGAGING IN PRIVATE AND ORDINARY COMMUNICATIONS ALL RISK BECOMING CRIMES UNDER THE TRUMP ADMINISTRATION.

III. GUILT BY ASSOCIATION

The Justice Department has spearheaded the administration's most aggressive attacks on its opponents. Its first target was protesters and activists opposing the administration's mass deportation agenda, who have remained the most visible and continuous opposition during Trump's second term. Law enforcement arrested activists in the protests that followed the first immigration raids under Trump's tenure, but the release of NSPM-7 emboldened the agency to escalate its efforts.

In September 2025, then-Attorney General Pam Bondi promised to charge anti-ICE protesters with "the highest provable offense available under the law"[12] in a memorandum that referenced NSPM-7,[13] which the White House had released just days before. The memo labeled protesters as "rioters" and cited a "more than 1,000 percent increase in attacks on [ICE] officers since Jan. 21, 2025" — a misleading figure given that the alleged assaults began in the wake of Trump's mass deportations and the majority resulted in no injury to officers, according to a *Los Angeles Times* analysis.[14] The memo laid out the Justice Department's strategy to "arrest and prosecute to the fullest extent of the law every person who aids, abets, or conspires to commit these crimes, whether through funding, coordination, planning, or other means."[15]

Bondi made good on her promise. Hundreds were arrested at anti-ICE protests in Chicago, Los Angeles and Minneapolis, among other cities. An investigation by ProPublica and *Frontline* found that at least 300 protesters and bystanders have been arrested under an array of felony charges, including assaulting or interfering with law enforcement.[16] In some cases, federal prosecutors reached for heavy-handed charges such as conspiracy, which is typically reserved for organized crime or drug trafficking.

NSPM-7 isn't the first time protesters have borne the brunt of the state's ire: Federal and state prosecutors have levied increasingly punitive charges against environmental and racial-justice activists — and created extreme penalties for ordinary misdemeanors such as trespass.[17] It reinforces how NSPM-7's logic draws from prior efforts to criminalize protest in other movements through the use of conspiracy and RICO charges. The Trump administration's reliance on these legal theories shows how failures to stem this trend have laid the path for this moment.

The only reprieve from this crackdown is that the majority of these cases have fallen apart quite spectacularly.[18] More than a third of the cases against anti-ICE protesters nationwide evaporated after prosecutors dismissed charges or refused to file any.[19] Courts reduced other felony charges to misdemeanors.[20] Video footage used in court has debunked statements from arresting officers.[21]

Anti-ICE protesters outside the Broadview Detention Facility in a suburb of Chicago in 2025. Photo by Paul Goyette

As these losses mounted, the Justice Department overhauled its strategy to root out the networks and movements hindering ICE's mass deportation agenda. Bondi released a memorandum on Dec. 4, 2025, that built out the machinery necessary to fully operationalize NSPM-7. This operational order directs all law-enforcement agencies to prioritize investigations into "extreme viewpoints on immigration, radical gender ideology, and anti-American sentiment" in coordination with the National Joint Terrorism Taskforces.[22] The Bondi memo outlines several steps:[23]

1. Creating and maintaining lists of "domestic terrorism organizations" and "Antifa aligned entities"
2. Ordering all law-enforcement agencies to conduct five-year retrospective file reviews and deliver all "Antifa-related" intelligence and information to JTTFs housed within the FBI
3. Leveraging existing FBI capabilities to set up an "Antifa" tip line and establish a cash-reward system to incentivize more information
4. Funneling grants to state and local law-enforcement partners to prioritize investigations under NSPM-7
5. Enumerating specific federal felony charges to levy to the maximum extent possible against opponents, including material support for terrorism, conspiracy to impede or injure a federal officer, racketeering and federal property destruction
6. Advising prosecutors to apply the terrorism-sentencing enhancement under the U.S. Sentence Guidelines — the most severe sentencing penalty available
7. Prioritizing tax scrutiny of pro-democracy nonprofits and funders

Bondi's memo cracked open a door to charge a group of individuals domestically under the banner of terrorism. While the 2001 Patriot Act defined domestic terrorism,[24] it didn't create a corresponding criminal offense. Under two related statutes barring material support for terrorism,[25] the government can prosecute people in the United States for knowingly aiding the commission of certain criminal offenses associated with terrorism, such as hostage taking, or for aiding a designated foreign terrorism group.[26] To charge an individual with "domestic terrorism," a prosecutor must attach this charge to another underlying federal or state charge.

Since the 9/11 attacks, the government has used these counterterrorism statutes almost exclusively against Muslim Americans. The statutes' application — along with other surveillance tools of the war on terror — has laid the foundation for the Trump administration's abuses under NSPM-7.

The Bondi memo emboldens Justice Department prosecutors to leverage the charge of domestic terrorism wherever possible. They can attach the charge to another criminal offense during the indictment period or they can attach it in the sentencing phase to boost prison time. Either way, terrorism is effectively *always* on the table to bolster criminality at whatever stage is needed — even when the criminality in question is constitutionally protected organizing and political association.

Imposing the NSPM-7 Blueprint: Prairieland

The Justice Department soon found a case to test out its new prosecutorial directive.

On July 4, 2025, demonstrators held a protest outside the Prairieland ICE Detention Center in Alvarado, Texas, on the outskirts of Fort Worth. Arriving late at night, they planned to set off fireworks in a noise demonstration to show solidarity with detainees and to expose the horrific conditions at the facility. A smaller group of protesters spontaneously broke off and spraypainted "Fuck you pigs" on a guard shack, damaged some cars and a government van,[27] and broke a security camera. A police officer arrived and drew his weapon. According to protester Benjamin Song, he saw the officer point his gun at the back of a running, unarmed protester.[28] Song, a former Marine Corps reservist, drew and fired an AR-15 that he was legally carrying. The officer was injured in the shoulder and released from the hospital later that night.[29]

Police arrested nine demonstrators in the area that night;[30] Song escaped and evaded arrest for 10 days.[31] State and federal prosecutors brought charges against multiple protesters, including friends who allegedly helped Song escape.[32] **After NSPM-7 was released, the Justice Department filed new charges alleging a conspiracy to provide material support for terrorism** against nine of the protesters as members of the "North Texas Antifa Cell," an organization that doesn't exist.[33]

The nine protesters were charged with rioting, conspiracy to use and carry an explosive, attempted murder, obstruction and providing material support for terrorism.[34] To legitimize their terrorism theories, prosecutors relied on what one defendant's lawyer called "evidence designed to evoke fear, political bias and guilt by association."[35] This included material such as political literature and zines; left-wing books; encrypted communications about participating in protests; black clothing; protest-planning materials; and mutual-aid and activist associations. Across political viewpoints and perspectives, sharing reading material and gathering in groups to demonstrate are constitutionally protected activities. But the Prairieland case reframed these common activities as inherently criminal.

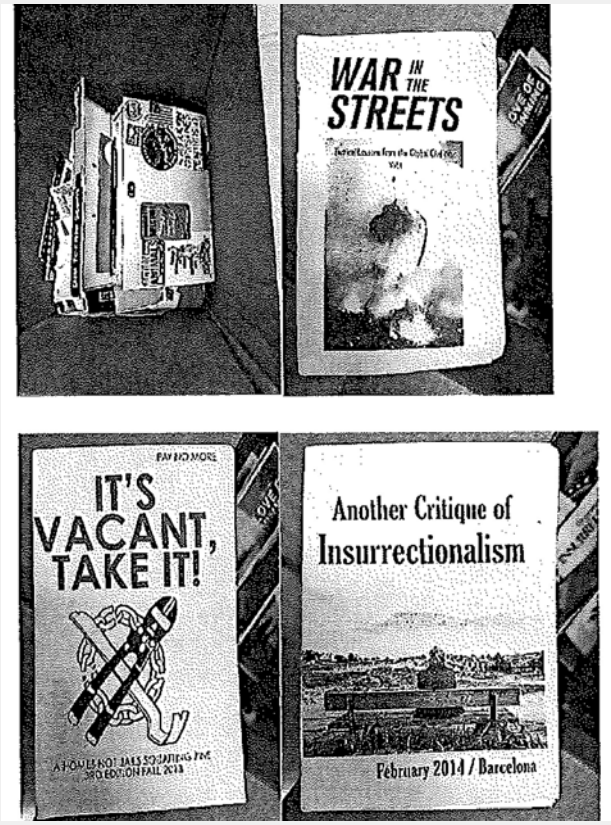
Song was later convicted and sentenced to 100 years in prison. In addition, Savanna Batten, Zachary Evetts, Autumn Hill, Meagan Morris, Elizabeth Soto and Ines Soto were each sentenced to 50 years in prison. Maricela Rueda, another protester, was sentenced to 70 years in prison. All six were convicted of rioting, providing material support to terrorists and engaging in a conspiracy to use "explosives" — i.e., the fireworks they set off as part of the demonstration. At Ines Sotos' sentencing, Chief U.S. District Judge Reed O'Connor cited her "anti-ICE beliefs and opposition to the government's immigration policies to levy the maximum possible sentence" of 50 years, to be served consecutively.[36]

Spray-painted vehicle in the parking lot of the Prairieland Detention Center; included in the complaint against the Prairieland defendants. Photo by U.S. Department of Justice

Rueda was also convicted of corruptly concealing a document or record, while her husband, Daniel Sanchez-Estrada — who did not even attend the protest — was sentenced to 30 years in prison for moving a box of zines at his wife's request. Nathan Baumann, the protester who committed a significant amount of the property damage, pleaded guilty and testified for the government. He received only 22 months in prison, the shortest sentence of any defendant, "bolstering many supporters' claims that the sentences [were] meant to punish defendants for their political ideas more than their actions," a press release on behalf of the Prairieland defendants read.[37]

The Trump administration pulled off the first antifa convictions under NSPM-7. Bondi's memo figured out the means to bring the most serious charges and the most serious sentencing enhancement against the greatest number of people possible. The Bondi memo encourages prosecution of *relational* conduct between people. Evidence such as texts among several individuals agreeing to show up at a given place together can become the basis for prosecutors to allege people are working as a group — and can thus be prosecuted as part of a criminal network.

These staggering sentences — effectively life sentences — mark a serious escalation in the prosecution of protesters. Using the offense of federal-property destruction, which amounted to roughly $4,000, Prairieland marks the first time the charges of material support for terrorism have been used in a domestic context without an international connection. One former federal prosecutor, Barbara McQuade, noted that it was highly unusual to stack the sentences consecutively instead of concurrently. This approach resulted in sentences of 50–70 years.



Photographs of zines included in the complaint against Prairieland defendant Daniel Sanchez. Photo by U.S. Department of Justice

Use of these federal statutes has no consistent application nor a set of criteria for agencies to follow. The sentences in the Prairieland case "far [exceed] the reported 7.7-to-8.6 for earlier domestic terrorism cases involving property damage or injury — and even exceeds sentences imposed in ISIS terrorism trials."[38] And even in the case against Jan. 6 rioters, in which no terrorism charges were brought, the Biden-era Justice Department sparingly considered the terrorism-sentencing enhancement and judges rejected its proposed use in two cases. Oath Keepers founder Stewart Rhodes received a terrorism enhancement to his conviction for seditious conspiracy, landing an 18-year sentence that Trump later commuted.[39]

Imposing the NSPM-7 Blueprint: Minnesota 15

A subsequent case arising out of the Minnesota anti-ICE protests earlier this year illustrates how the administration is leveraging its surveillance powers against its opponents.

In June 2026, the Justice Department charged 15 individuals with federal felony charges, alleging that they were associated with "antifa groups" including Direct Action Minnesota and the Black Cat Workers Collective, which allegedly formed a conspiracy to impede federal officers engaged in immigration enforcement.[40] The alleged "impeding" refers to a series of meetings and protests held throughout Operation Metro Surge, which saw the deployment of 3,000 federal immigration agents that targeted immigrants and other community members in Minnesota in what DHS called its largest operation ever.

The federal incursion led to the murders of Renée Good and Alex Pretti. The operation also spurred extraordinary civil resistance from Minnesotans, who disrupted ICE operations hrough various tactics, including alerting others to ICE's presence using car horns and whistles, observing and filming ICE agents, and establishing mutual-aid networks to support immigrants sheltering in their homes.[41] The sustained community resistance eventually led to the drawdown of federal agents and the removal of U.S. Border Patrol commander-at-large Greg Bovino in February.

Anti-ICE protesters in Minneapolis in January 2026.
Photo by Fibonacci Blue

The MN15 case has revealed how the government has further operationalized the investigative directive of NSPM-7. FOIA documents the watchdog group American Oversight obtained reveal that the FBI has established an NSPM-7 mission center that has drawn employees from other federal agencies, including the IRS and Justice Department.[42] Thirteen IRS agents, including one from the Tax Exempt and Government Entities division, have been assigned to the task force, as have two attorneys from the Justice Department's Office of the Deputy Attorney General.[43]

In March 2026, the Justice Department tapped two prosecutors to head its new Joint Task Force Vanguard to implement NSPM-7. Vanguard is headed by Jason Kelhofer and Brian W. Lynch, who report directly to Todd Blanche, who at the time was the deputy attorney general and is now the attorney general.[44] Both Kelhofer and Lynch are federal prosecutors with experience in counter-terrorism and organized crime. Lynch is also a right-wing blogger and a Jan. 6 insurrectionist.[45]

The Minnesota 15 case has spotlighted how DHS has leveraged its surveillance capabilities under NSPM-7 to maximize investigative power.[46] DHS agents launched an intelligence sting named "Operation Puppet Master" to identify a "network of conspirators" opposing ICE.[47]

Agents infiltrated meetings posing as concerned civilians, monitored and recorded encrypted chats and secretly seized years of financial records from unions and nonprofits.[48] The government indictment listed the defendants' Signal usernames, a clear sign that encrypted technologies that have formed the backbone of organizing are no longer safe or private.

Most of these organizing activities are, again, protected under the First Amendment. Speaking with or yelling at government agents is wholly protected speech, as is filming government officials.[49] And it is clearly established law that the government cannot punish people merely for their membership in a political movement, nor for their radical beliefs, their reading materials, their associations with organizations or their abstract advocacy.

These cases have sharpened the federal government's ability to manufacture enemies of the state. From the speed with which the Justice Department is attaching terrorism and conspiracy charges to the vast power of the surveillance and investigative apparatus of the FBI and IRS, this blueprint sets the stage for a range of federal agencies to deploy future attacks stronger and faster, irrespective of the legitimacy of their legal claims.

"Smash fascism" sticker. Photo by DimiTallen

IV. DISMANTLING CIVIL SOCIETY

Nonprofit organizations and their financial-support networks were the first target of NSPM-7. As soon as Trump released this directive on Sept. 25, 2025, news emerged that the Justice Department was preparing an investigation into the Open Society Foundations (OSF), founded by Hungarian-born billionaire George Soros. OSF has given billions in grants over three decades to activists, journalists and nonprofit organizations in support of democracy and human rights.[50] Soros himself has donated millions in funding to the Democratic Party. As one of the key financiers of civil society in the United States and abroad, both Soros and OSF have been long-standing targets of Trump as well as right-wing conspiracy theories.[51] The day Trump released NSPM-7, a Justice Department directive ordered multiple U.S. attorneys' offices to launch an investigation into the foundation and prepare charges ranging from arson to material support for terrorism (though none were filed).[52]

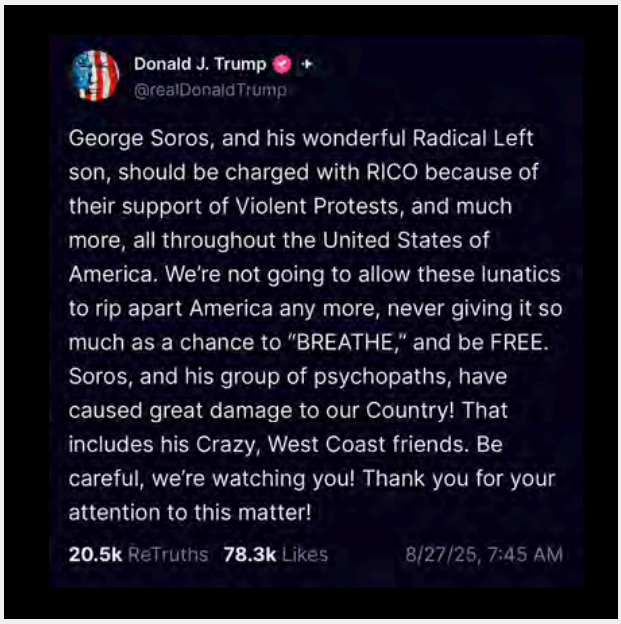
In the months ahead of the midterms, the administration has ramped up its attacks on nonprofits. In April 2026, the Justice Department announced an indictment against the Southern Poverty Law Center (SPLC), a legacy civil-rights organization headquartered in Montgomery, Alabama, that researches and maps far-right extremism and white nationalism. The charges are built on a nonsensical theory that the SPLC funds extremism because it pays informants to infiltrate extremist groups.[53] Reports in June and August indicated that Treasury Secretary Scott Bessent was creating a "blueprint" to revoke the 501(c)(3) status of nonprofits, starting with OSF, SPLC and the Council on

Still image from a Justice Department press conference where FBI Director Kash Patel announced charges against the Southern Poverty Law Center. Photo by *PBS NewsHour*

Islamic-American Relations (CAIR), prompting an inquiry from Sens. Raphael Warnock and Ron Wyden on the use of NSPM-7 to target tax-exempt organizations.[54] House Democrats also introduced the PROOF Act to ensure due process for any effort to strip a nonprofit of its charitable status.[55] The *New York Post* also reported in August that administration officials want to complete "a good chunk of the crackdown" before the midterm elections.[56]

While the federal government has led the effort to target nonprofits, states have followed suit.[57] The governors of Texas and Florida issued executive actions[58] designating CAIR as a "terrorist organization" while lawmakers in several states introduced bills authorizing state officials to designate domestic organizations as "terrorist" entities or "affiliates," with bills passing in Florida and Indiana.[59] While Trump doesn't have the authority to designate domestic groups as terrorist entities, 32 states and Washington, D.C., have domestic-terrorism laws that generally criminalize individual conduct.[60] These laws have drawn concern from First Amendment experts and help embolden the federal government to allege terrorism designations, typically reserved for international violence, far wider in the domestic context.[61]

Trump's allies in Congress have taken a page from the NSPM-7 and White House Counter-Terrorism guidelines, finding inspiration to target civil-society activities and entities as politically extreme groups that pose national-security threats to the United States. In July, the State Department released a report labeling groups on the political left as agents serving a Cuban communist agenda inside the United States. The next day, the House Ways and Means Committee issued subpoenas to the New York-based grassroots group the People's Forum, the nonprofit news outlet BreakThrough News and the Tricontinental: Institute for Social Research, demanding the production of internal communications, organizational records and financial documents.



Donald Trump's 2025 Truth Social post calling for criminal charges to be brought against George and Alex Soros.

It's not just fringe or marginal leftist groups coming under attack. In June, the House Oversight Committee sent a letter to Democracy Defenders Action, a bipartisan nonprofit that former Ambassador Norm Eisen founded in 2024 to fight authoritarianism. The group files litigation to uphold the rule of law and support free and fair elections.[62] The House letter notified Democracy Defenders of an investigation into its activities under the following pretext:

> The Fund's most recently available IRS Form 990EZ describes the organization's primary tax-exempt purpose in three parts: 1) going against "democracy deniers" who break the law; 2) defending free and fair elections; and 3) shaping long-term strategy to "defeat autocracy." In practice, the Fund's communications appear to heavily focus on opposing and building political opposition to a wide-variety of initiatives by the Trump Administration.[63]

The message is clear: Defending democracy puts a target on your back.

V. "ANTIFA" AT THE POLLS

Two points became obvious as NSPM-7 got operationalized. First, the secret weapon is the directive's vagueness, where the government can use "national security" to justify the prosecution of anything it surveils or investigates under the label of terrorism. Second, we cannot fully anticipate all future applications of NSPM-7, making it even more dangerous.

Trump has made clear his intentions to interfere in the November midterm elections. Losing control of Congress could subject the administration to investigations and hearings, including potential impeachment hearings of Trump and his cabinet officials. While the federal government provides funding for elections and helps coordinate voter registration through the independent, bipartisan U.S. Election Assistance Commission, the Elections Clause in the Constitution affirms that state legislatures control the "time, place, [and] manner" of elections.[64] Despite this, the White House has already implemented a multi-prong strategy to deceive voters about the integrity of electoral systems, disrupt the operation of those systems and deny unfavorable outcomes.[65]

These tactics include:

- Peddling disinformation about voter fraud, foreign interference and non-citizen voting.
- Clamping down on mail-in ballots: A White House executive order directed the U.S. Postal Service (USPS) to deliver ballots only to a voter list DHS drew up. USPS then announced it would not deliver mail ballots from states that don't hand over their voter rolls. Only a Supreme Court ruling thwarted this unprecedented strategy — with less than 90 days to go before the election.

Student voter-registration table at the University of Texas at Dallas, 2022. Photo by Wikimedia Commons user Elli

- Deploying federal officials from the FBI,[66] ICE officers,[67] Justice Department,[68] or the National Guard[69] to monitor poll sites. The goal is to intimidate voters, with FBI Director Kash Patel promising election coordination on the ground — often in violation of the law — to monitor polling locations.[70]
- Pushing the SAVE Act in Congress. The bill imposes onerous requirements for voting and voter registration, potentially disenfranchising 21 million voters.[71] One version of the bill also required states to hand over their voter rolls to the DHS to be run through a flawed citizenship-verification tool.
- Issuing illegal bribes to voters: Trump promised to pay voters $5,000 if Republicans win the midterms.
- Ramping up investigations by Homeland Security officials into over 150 nonprofits engaging in voter registration and engagement, including the Pennsylvania chapter of CAIR, under the pretext of "election integrity."[72]

As former State Department senior official Jonathan Winer put it, "These programs fit together. One is preparing the government to intervene in election results Trump refuses to accept. The other is equipping the government to act against the resistance that would follow."[73]

Pro-democracy groups have expressed concern for months that the administration may likely take aim this fall at nonprofits that work on voter education and registration, as well as elected officials, candidates or nonpartisan figures who champion democratic participation in the run-up to the election.[74] Protect Democracy has noted of NSPM-7: "This infrastructure for ideological targeting is particularly dangerous in an election context … We anticipate that the DOJ will turn its focus to election-related groups in the run-up to the election."[75]

Voters are already pushing back on other Republican Party efforts to sabotage the midterms: Hundreds protested after election officials in Tarrant County, Texas, announced that they were cutting polling locations by almost half.[76] A group of about 20 protesters gathered at a county judge's home hosting a reception for Gov. Greg Abbott. They chanted and waved American flags and protest signs that read "Protect Your Vote," "Fight for Voting Rights" and "No King, Emperor Dictator," according to local news reports.[77]

This is the type of First Amendment activity that the Trump regime may target next. Under NSPM-7, nothing is off the table to pursue, surveil, investigate or even prosecute. As Winer warned, "applied to the resistance that follows, allegations of terrorism or material support can be used to initiate surveillance and prosecution of organizers, investigations of donors and nonprofit groups, and efforts to connect American activists to designated organizations abroad."

As Trump himself said, "Stranger things have happened."[78]

Soldiers from the Texas National Guard work with local law enforcement to observe a May 2020 protest in response to the killing of George Floyd. Photo by Wikimedia Commons user Charles E. Spirtos

VI. RECOMMENDATIONS & CONCLUSION

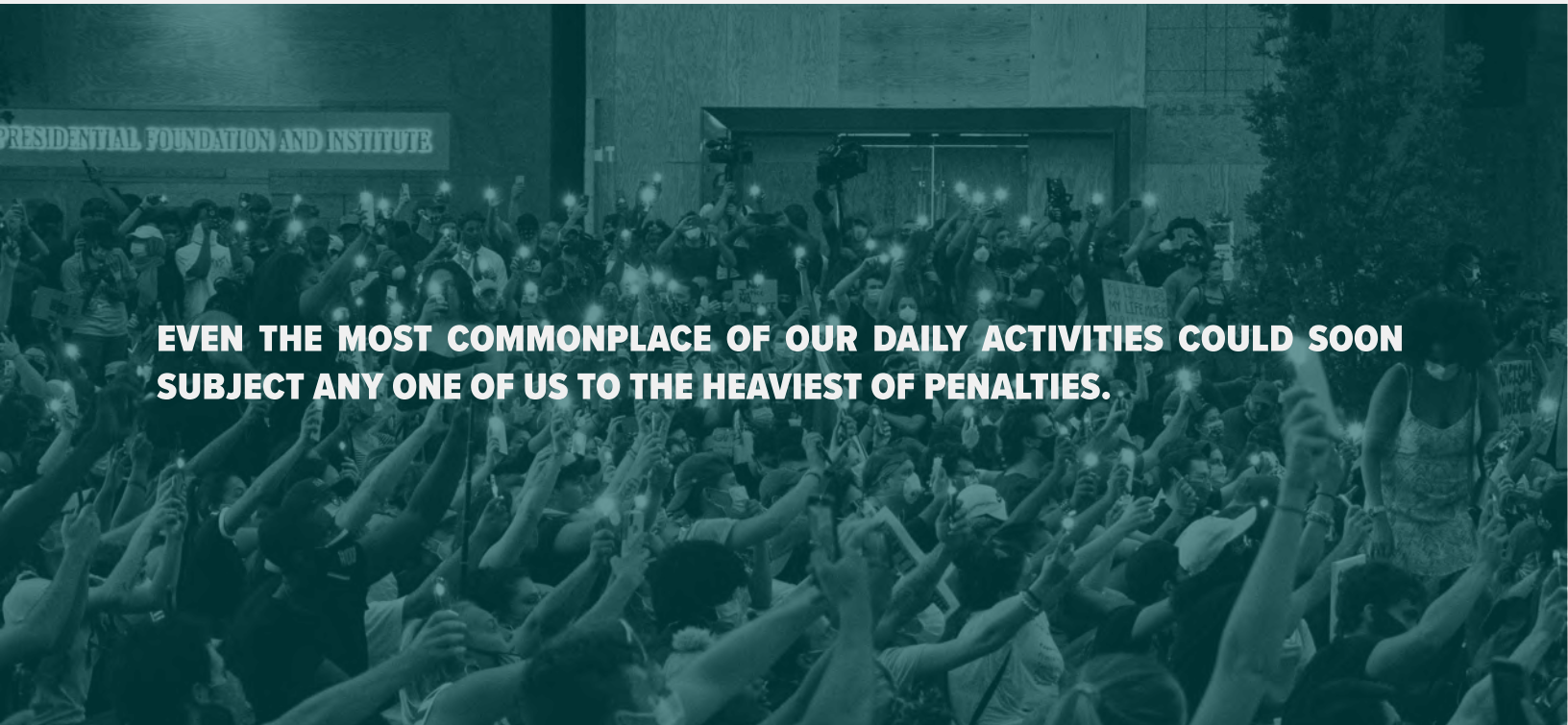
Criticizing U.S. authority and power has always provoked accusations of treachery. Under the First Amendment, dissent should be both protected and celebrated as core to the ways that a society — especially a multiracial republic like the United States — grapples with difference and grows to meet political moments of tension. Instead, those in power often fall back on casting dissent as inherently dangerous or criminal.

Labeling this opposition as terrorism is a well-worn government tactic to not only shut down dissent but also preclude objections to these security frameworks. The chilling effect of NSPM-7 extends far beyond dissent, however, to the ability — and basic right — to educate and organize ourselves politically. As NSPM-7 implicates a wider swath of society, there are opportunities to not only prevent its normalization but to also roll back the features of the national-security state that got us here in the first place.

There are real windows for various sectors to counteract the federal government's plot to criminalize civic engagement. Lawmakers, civil society and philanthropy have the opportunity to take action now.

Continue to the next page to read this report's recommendations.

A Black Lives Matter protest in Washington, D.C., in 2020.
Photo by Koshu Kunii



EVEN THE MOST COMMONPLACE OF OUR DAILY ACTIVITIES COULD SOON SUBJECT ANY ONE OF US TO THE HEAVIEST OF PENALTIES.

RECOMMENDATIONS FOR LAWMAKERS:

1. **Congress should conduct an annual audit of the applications of NSPM-7 powers,** including instances when agencies invoke NSPM-7 — or related claims of domestic terrorism — as a pretext to surveil, investigate or prosecute entities and individuals.
2. **Congress should pass the Right to Record Act,** a bill introduced in 2026 to codify the public's right to record government officials. The legislation grants people private rights of action — including the ability to file a civil lawsuit — should the government violate their constitutional rights. This would be a powerful step toward protecting political expression and associational rights that frameworks like NSPM-7 are attempting to frame as terrorist activity.
3. **Congress should pass the Fourth Amendment Is Not for Sale Act,** a bill to limit government purchases of personal information from third-party data brokers. The legislation passed the full House of Representatives in 2024 and passed out of committee in 2026 with strong bipartisan support. Such passage would help blunt the unconstitutional ways that government agencies have self-deputized access outside the bounds of the Fourth Amendment to identify and track individuals.
4. **Congress should limit applicability of terrorism charges.** We need congressional **reform to narrow the applicability of 18 U.S.C. § 2331(5),** the federal statute that defines "domestic terrorism," and **18 U.S.C. § 2339(a)(b),** the material-support statutes. Lawmakers must also **limit the use of the terrorism-sentencing enhancement.**[79] Such reforms would help mitigate the tremendous harms resulting from the war on terror. They would also guard against overuse of national-security language as a pretext to pursue innocuous activities as inherently criminal.
5. **State lawmakers should cordon off state authorities from federal actors,** i.e., terminate any agreements with DHS that allow federal agents to enforce state laws, which can become a pretext for scaling NSPM-7 on low-level criminal charges and circumstances.[80] Absent explicit termination of agreements, state agencies should be required to report cooperation and information sharing to agencies, officials and task forces implementing NSPM-7. The following information should be provided to governors, state legislatures and the public:
    - All data provided to federal law enforcement, intelligence and security agencies about cooperation with NSPM-7, including:
        - The name of each federal law enforcement, intelligence or security agency receiving the data;
        - What information the data contains, its origin and how it was collected;
        - How and by whom the data was accessed, used and shared by each federal law enforcement, intelligence or security agency receiving it; and
        - Copies of the agreements governing the exchange of data.

RECOMMENDATIONS FOR CIVIL SOCIETY:

1. Civil-society leaders must respond to the rise of state-sanctioned propaganda ahead of and following the 2026 midterms. This includes **repudiation of lies and conspiracies coming from those in power,** particularly where those narratives demonize minority groups as terrorists or accuse them of participating in election fraud.
2. **Practice sector-wide solidarity by uniting cross-identity and cross-issue organizations against specific threats and attempts to punish groups** based on their political speech. There have already been some tremendous solidarity efforts to underscore the extremist and outlandish nature of attacks on nonprofit leaders, entities, funders and allies; such attacks may initially focus on far-left activities but inevitably spread to a wider set of targets.
3. Funders should support nonprofits documenting anti-democratic rollbacks, including organizations aiding vulnerable groups. **Philanthropic entities should thoroughly fund organizations facing persecution for their speech and activism.** Pulling funding or citing IRS concerns as a pretext for doing so is worse than inaction at the worst time. Finally, funders should invest in short-, medium- and long-term projects that protect free speech and build a media system that can better withstand authoritarian attacks.

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Free Press is a U.S.-based nonpartisan organization that defends free expression and press freedom and seeks to build the media and tech needed to achieve a multiracial democracy. Free Press believes that positive social change, racial justice and meaningful engagement in public life require equitable access to technology, diverse and independent ownership of media platforms, and journalism that holds leaders accountable and tells people what's actually happening in their communities. Free Press is a leader in the nationwide fight for free speech. Learn more at freepress.net.

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Back cover: A banner showing President Trump with the slogan "Make America Safe Again," installed between the columns of the Robert F. Kennedy Department of Justice Building, Washington, D.C., in February 2026. Photo by Quintin Soloviev

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