

Testimony

Of

**Skye L. Perryman, JD
President and CEO, Democracy Forward Foundation**

Before the Committee on Oversight and Government Reform

June 12, 2025

Testimony of Skye L. Perryman, JD
President and CEO, Democracy Forward Foundation

Thank you Mr. Chairman and Acting Ranking Member for having me here today. At the outset, let me offer my deepest condolences to all of you for the recent loss of your colleague, the late Ranking Member Congressman Gerry Connolly, whose service to this Committee and to the American people was an inspiration, as was his support for our nation's civil service – the men and women who serve all Americans.

I am here today as a lawyer and as the President and CEO of Democracy Forward Foundation. Democracy Forward Foundation is a non-partisan, national legal organization that is committed to achieving a nation and a democracy that enables all people living in America to thrive. Our work is based on the U.S. Constitution and working to fulfill the promise of liberty, equality, and the pursuit of happiness—promises that our nation's founding documents make to all people living in America but that our nation has never fully achieved for all Americans. Democracy Forward Foundation is especially focused on ensuring that the American people have the tools they need to demand that their government deliver the social conditions needed to thrive. We also defend the American people's rights when the government abuses its power and overreaches. We do this through representing people and communities on a *pro bono* basis in federal and state courts and regulatory processes, as well as through public education, research, and community building. Our team includes lawyers, policy experts, and researchers who have prior experience serving our nation and have held positions throughout federal and state government, including in the intelligence communities, at independent agencies, other executive branch agencies, including the Department of Justice ("DOJ"), individuals who have worked for the United States Congress, as well as individuals who have practiced law on behalf of corporations and businesses in private practice, and at public interest organizations. While our team has diverse professional backgrounds, all of our team members are united by the urgency of defending the people's rights, the well-being of people living in America, and our democracy.

Democracy Forward Foundation has had the privilege of representing clients that make up the very fabric of our democracy in courts across the nation—teachers, parents, workers, small business owners and entrepreneurs, religious communities and faith leaders, researchers, students, veterans, innovators, civil and public servants, doctors, voters, and so many more. We have represented clients both in challenging harmful and unlawful governmental action and in supporting governmental action, including the actions of federal agencies that enable the

government to deliver for people within the bounds of our constitutional and statutory system. We are committed to our country's founding idea that our government derives its power from the consent of the governed and are dedicated to bringing about our democracy's promise that the government must work for all people. At Democracy Forward Foundation, we see in our work every day that the vast majority of the American people believe in the promise and potential of democracy. We are appreciative of our many partners in civil society, including more than a dozen organizations with whom we co-counsel, who are also working to defend our nation's democracy at this moment. It is incumbent upon us all to play a role in advancing our democracy and protecting our freedoms during this critical time.

Over the course of my nearly two decades as a practicing attorney, including an attorney who has held positions in corporate law firms, as a general counsel and chief legal officer, and in the not for profit sector, I have been both in the position of representing clients who have challenged governmental action, including the action of federal agencies, when it was outside the bounds of the law, and I have been in a position of supporting governmental action that is lawful and beneficial for people, communities, and businesses throughout the nation. Fundamentally, my work leading Democracy Forward Foundation centers on the premise that when the government does its job and works for the people within the bounds of the law, our society is stronger. And when our government strays from this purpose, ignoring the U.S. Constitution and a fidelity to the American people's rights and wellbeing, our democracy and our people are in danger. My work is based on the principle, found in the first words of the U.S. Constitution, that "We the People" have the right and responsibility to work towards a more perfect union and that achieving true democracy requires the participation of all of us.

It was that work that brought me to this Committee approximately ten months ago.

At that time, I testified on behalf of Democracy Forward Foundation at this Committee's invitation and highlighted current and emerging threats to the American people and our democracy.¹ As the testimony explained, following the violent attempt to overturn the 2020 election that took place in this very Capitol on January 6, 2021, the United States was added to a list of global backsliding democracies and it has remained on that list ever since. In 2023, thirteen U.S. Presidential Libraries – ranging from President Hoover's library to President

¹ Testimony of Skye L. Perryman before the House Committee on Oversight and Accountability, September 19, 2024, available here: <https://oversight.house.gov/wp-content/uploads/2024/09/Perryman-Testimony.pdf>.

Obama’s library – warned of the fragile state of United States democracy.² In 2023, reports surfaced that a shadow network had formed in Washington and that, should the executive branch transition back to being led by then-former President Trump, there would be a rapid acceleration of policies and activities – many of which were contained in the Heritage Foundation’s Project 2025 manifesto – that could further endanger the American people and our democracy.³ The American people saw Project 2025 for what it was. Americans of all ideological backgrounds opposed it – and it became a political liability.⁴ Many seeking to gain the public’s trust during the 2024 election, including the President and members of this Committee, denied association with it.⁵ Yet, as my prior testimony highlighted, the policies outlined in Project 2025 were already being instituted in some states across the nation and planning was underway for this Project and its authors to overhaul the federal government in ways that offend the U.S. Constitution and endanger people living in America. My testimony noted that “*the threats to American democracy and freedoms enjoyed by the American people are neither academic nor are they hyperbole*” and outlined the consequences the American people and our nation would experience if extremism was not countered. This testimony was consistent with the warnings of business leaders, leading scholars, as well as religious and community leaders.

Some, at the time, scoffed that these concerns were overblown. Others denied that the President and his allies had anything to do with Project 2025. But time has shown us the truth. As of June 2025, there is now no question. The American people and our democracy are in crisis. Project 2025 is well underway. Our nation is now experiencing a fundamentally changed paradigm with a rapidly accelerating autocratic threat looming over all people living in this country.

² *Id*; Gary Fields, *13 presidential libraries from Hoover to Obama warn of fragile state of U.S. democracy*, PBS (Sept. 7, 2023), <https://www.pbs.org/newshour/politics/13-presidential-libraries-from-hoover-to-obama-warn-of-fragile-state-of-u-s-democracy>.

³ Bickerton, James. *What is Project 2025? Trump Shadow Network Plans to Overhaul 'Deep State,'* *Newsweek*, Sep. 9, 2023, available at <https://www.newsweek.com/what-project-2025-trump-shadow-network-plans-overhaul-deep-state-1825780>.

⁴ U Mass News Media, *Americans Widely Oppose “Project 2025,” According to New UMass Amherst Poll*, Aug. 9, 2024, available at <https://www.amherstindy.org/2024/08/09/americans-widely-oppose-project-2025-according-to-new-umass-amherst-poll/>.

⁵ Kanno-Youngs, Zolan and Erica L. Green, *Trump Disavowed Project 2025 During the Campaign. Not Anymore.* *The New York Times*, Nov. 29, 2024, available at <https://www.nytimes.com/2024/11/29/us/politics/trump-project-2025.html>.

There are already multiple examples of this rapidly accelerating autocratic threat and the way in which it harms all Americans: the current administration has invoked a war-time power when the nation is not at war to disappear people from the country without any process at all, causing all nine members of the U.S. Supreme Court to make clear that all persons are entitled to due process under our Constitution⁶ and a number of federal judges appointed by both Republicans and Democrats to do the same. When a federal judge ordered that planes be turned around during the administration’s first disappearance mission in March, the government “deliberately and gleefully” ignored the court.⁷ A senior administration official, border czar Tom Homan, brushed off the courts on television, stating ““*We're not stopping. I don't care what the judges think.*”⁸ This overreach of executive power threatens the American people, our system of checks and balances, and violates the U.S. Constitution. Since that time, White House officials have suggested suspending the writ of *habeas corpus*.⁹

“*LONG LIVE THE KING!*” the President has announced to the public in reference to himself.¹⁰ The President has publicly attacked law firms and individual lawyers because of the nature of their work, their clients, or their defense of civil and voting rights. Three federal judges—two of whom were appointed by Republican Presidents—have permanently enjoined the administration’s executive orders targeting lawyers and law firms, with one judge finding that there is “no doubt that this retaliatory action chills speech and legal advocacy” and “it qualifies as a constitutional harm.”¹¹ Elon Musk and the so-called “Department of Government

⁶ *Trump v. JGG*, No. 24A931, 604 U.S. ____ per curiam (Apr. 7, 2025) (Sotomayor, dissenting) (“So too do we all agree with the per curiam’s command that the Fifth Amendment requires the Government to afford plaintiffs “notice after the date of this order that they are subject to removal under the Act, . . . within reasonable time and in such a manner as will allow them to actually seek habeas relief in the proper venue before such removal occurs.”....That means, of course, that the Government cannot usher any detainees, including plaintiffs, onto planes in a shroud of secrecy, as it did on March 15, 2025. Nor can the Government “immediately resume” removing individuals without notice upon vacatur of the TRO, as it promised the D. C. Circuit it would do....To the extent the Government removes even one individual without affording him notice and a meaningful opportunity to file and pursue habeas relief, it does so in direct contravention of an edict by the United States Supreme Court.”).

⁷ Case 1:25-cv-00766, *J.G.G. v. Trump*, filed in United States District Court for the District of Columbia, Memorandum Opinion, Apr. 16, 2025 (ECF 81).

⁸ Saric, Ivana, *Trump’s Border Czar: “I Don’t Care What the Judges Think,”* Axios, Mar. 17, 2025, available at <https://www.axios.com/2025/03/17/tom-homan-deportation-flights-trump-court-order>.

⁹ Nesta Kupemba, Danai, *Trump administration considers suspending habeas corpus*, BBC, May 10, 2025, available at <https://www.bbc.com/news/articles/coqgz18glljo>.

¹⁰ Oreskes, Benjamin. “*Long Live the King: Trump Likens Himself to Royalty on Trump Social*, *The New York Times*, Feb. 19, 2025, available at <https://www.nytimes.com/2025/02/19/us/politics/trump-king-image.html>; <https://x.com/WhiteHouse/status/1892295984928993698?lang=en>.

¹¹ Case 1:25-cv-00917, *Wilmer Cutler Pickering Hale and Dorr LLP v. Executive Office of the President*, filed in United States District Court for the District of Columbia, Memorandum Opinion, Mar. 28, 2025 (ECF 10).

Efficiency,” which is not operating lawfully nor transparently and has made our government *less* efficient, has accessed sensitive and personal data on individual Americans, run roughshod over federal agencies that deliver services for people, and has given rise to a situation where the federal government is having to rehire civil servants that DOGE and the White House indiscriminately fired or pressured to leave government. The administration has attempted to terminate or freeze funding for essential programs, such as community public safety grants, Meals on Wheels, Head Start, and more. And our allies across the globe are now considering sharing *less* intelligence information with our nation. This extremism is negatively affecting the people living in America, our safety and security, our ability to build for the future, and our democracy as a whole.

This expansive overreach of executive power and the peril in which it has placed people living in America and our communities has necessitated that Democracy Forward Foundation file more than 70 actions in federal courts, offices, and agencies since inauguration. Our litigation on behalf of people and communities has challenged the nationwide funding freeze instituted by the President that endangered all of our communities¹² – those in red states and blue states, those in urban areas, rural communities, and small towns. We also filed litigation to block the President’s attempt to freeze funding this Congress appropriated pursuant to the bipartisan Infrastructure Investment and Jobs Act and Inflation Reduction Act¹³ to protect the operation of important community programs and investments across the nation. We have challenged the President’s attempt to decimate the Department of Education¹⁴ and the President’s arbitrary and unauthorized attempt to terminate significant numbers of civil servants from essential positions across the government without the consent of this Congress.¹⁵ We have filed litigation to expose the administration’s unlawful attempts to deprive people in this country of due process and to remedy that deprivation of process. We have filed litigation to counter retaliatory efforts to penalize the legal profession¹⁶ and to affirm fundamental First Amendment freedoms. The administration’s policies regarding immigration enforcement in sensitive locations has led us to

¹² Case 1:25-cv-00239, *National Council of Nonprofits, et al, v. Office of Management and Budget, et al.* filed in United States District Court for the District of Columbia on Jan. 28, 2025.

¹³ Case 1:25-cv-00097, *Woonasquatucket River Watershed Council v. Trump Administration*, filed in United States District Court for the District of Rhode Island, on Mar. 31, 2025.

¹⁴ Case 1:25-cv-10677, *Somerville Public Schools, et al, v. Trump, et al*, filed in the United States District Court for the District of Massachusetts on Mar. 24, 2025.

¹⁵ Case 1:25-cv-10677, *American Federation of Government Employees, AFL-CIO, et al, v. Trump, et al*, filed in the United States District Court for the Northern District of California on Apr. 28, 2025.

¹⁶ Case 1:25-cv-01263, *American Bar Association v. U.S. Department of Justice*, filed in the United States District Court for the District of Columbia on Apr. 23, 2025.

file litigation on behalf of religious communities – the Baptist, Quaker, and Sikh congregations – to prevent ICE from indiscriminately entering houses of worship to conduct enforcement operations.¹⁷ We have challenged policies the administration has implemented at the Department of Health and Human Services Office of Refugee Resettlement (ORR) that prolong the detention of immigrant children and prevent their release to their parents and other loving family members.¹⁸

All told, the courts have ruled against the current administration more than 170 times in less than 200 days because of the administration’s fast-moving attempts to undermine the wellbeing of people and its flagrant violations of the law.¹⁹ While the courts are essential to ensuring the American people’s rights are protected, the administration is making it challenging for people and communities to access the courts. In addition to intimidating law firms and lawyers, the administration is seeking to require the American people who serve as plaintiffs and litigants against the government to pay bonds.²⁰ Worse, the administration is also undermining and, at times, disregarding court orders. Currently, the Senate is considering a provision of the law passed by the House of Representatives that would erect further barriers for those seeking to hold the government accountable in court.²¹

Despite these challenges, our work in communities across the country every day demonstrates that the American people are determined to protect their rights, to use lawful and peaceful means of petitioning their government, and, when necessary, to hold their government accountable. Even with the vast challenges the nation faces as a result of this generationally-defining executive overreach, there is still an opportunity for this Congress and this Committee to join the American people in rejecting anti-democratic extremism. This Congress can choose the well-being of the American people and our democracy. It is not too late.

¹⁷ Case 8:25-cv-00243, *Philadelphia Yearly Meeting, et al, v. U.S. Department of Homeland Security, et al*, U.S. District Court for the District of Maryland, Memorandum Opinion, February 24, 2025.

¹⁸ Case 1:25-cv-01405, *Angelica S. et al, vs. U.S. Department of Health and Human Services*, U.S. District Court for the District of Columbia, Memorandum Opinion, June 9, 2025.

¹⁹ Alex Lemonides, Seamus Hughes, Mattahias Schwartz, Lazaro Gamio, and Camille Baker, *Tracking the Lawsuits Against the Trump Administration*, <https://www.nytimes.com/interactive/2025/us/trump-administration-lawsuits.html>, last accessed June 10, 2025.

²⁰ Milov-Cordoba, Michael and Hogan, Robert, *House Budget Bill Would Gut Federal Courts’ Ability to Enforce Orders*, Brennan Center, June 5, 2025, available at <https://www.brennancenter.org/our-work/analysis-opinion/house-budget-bill-would-gut-federal-courts-ability-enforce-orders>.

²¹ *Id.*; Kashdan, Eric, *These Hidden Provisions in the Budget Bill Undermine our Democracy*, Campaign Legal Center, June 6, 2025, available at: <https://campaignlegal.org/update/these-hidden-provisions-budget-bill-undermine-our-democracy>.

It is with that conviction that I thank the Committee for the opportunity today to discuss the ways in which efforts to undermine our democracy and to stifle our government's ability to deliver on its promises to the American people are underway across the country. I provide this testimony with the sincere hope and belief that it is through understanding the nature and extent of the crisis of our freedoms and our democracy in this moment that we can turn the tide and build toward a more democratic and just future.

I. The Trump-Vance Administration's Weaponization of the U.S. Government, Attacks on Civil Society and the Rule of Law, and Harmful Policies Present Grave Threats to the American People and American Democracy

Since January 20, 2025, our nation has experienced an unprecedented weaponization of the federal government against the American people; attacks on civil society, lawyers and the rule of law; and an avalanche of activities pursued by the current administration that make it harder for Americans to make ends meet and thrive. Many of the decisions that the current administration has made regarding its approach to governing have harmed the American people, impeded on the prerogatives of this Congress, and threatened rights enshrined in the U.S. Constitution. These actions present overall threats to our nation's democracy as well as to the safety and security of people living in America. While this testimony does not provide a comprehensive recitation of every one of these policies and threats, highlighted below are some representative ones:

Attacking Civil Society and Targeting the Legal Profession: The current administration has issued a range of executive orders and engaged in activities that seek to intimidate, undermine, and chill the work of civil society – charitable organizations, institutions of higher education, and common spaces where people can be in community and dialogue with each other. The administration's attacks on civil society have taken the form of targeting institutions of higher education through intimidating tactics designed to undermine academic freedom, research, and free inquiry. Recently, the administration has targeted Harvard University, making demands that included auditing the views of its student body, modifying its governance structure, and discontinuing lawful equitable-based practices that the current administration disfavors. The administration has sought to condition federal funding on adoption of its viewpoint, in contravention of the First Amendment, among other laws. The attacks on institutions of higher education harm more than just the students, and faculty, and

the institutions under attack. The attacks and demands that the administration has placed on these institutions jeopardize life-saving and world-changing research and development that not only benefits the American people but makes the United States a global leader. In addition to attacks on higher education, the current administration has also targeted a range of non-profit organizations and charities, seeking to freeze and/or terminate grants that enable them to do the work of civil society. As one example, the administration has frozen or terminated more than an estimated \$820 million of grants and cooperative agreements from the Department of Justice's Office of Justice Programs ("OJP") awarded to county governments and other local jurisdictions and organizations for justice programs, claiming that the grants no longer align with the administration's priorities.²² These grants relate to efforts to address violence reduction and intervention, victim services, juvenile justice and child protection, justice system enhancement, mental and substance use treatment, community support, and more.

A particular focus of the administration has been targeting lawyers and the legal profession and, more recently, judges. The current administration has issued executive orders that purport to bar lawyers from federal buildings, suspend their security clearances necessary for the representation of their clients, and otherwise penalize them for the nature of their clients and their work, including their work to protect and advance civil and voting rights. These efforts have been struck down as unconstitutional by every federal court to consider them. The administration has also targeted the American Bar Association, terminating its funding in a manner that a federal court has concluded is likely a retaliatory and unlawful violation of the First Amendment. The administration has attacked judges that have ruled against it and is pushing for civil society organizations and other plaintiffs to have to pay bonds in order to be able to protect their rights in court.

In response to these administration attacks, Democracy Forward Foundation is litigating a range of cases to ensure that community and nonprofit organizations are able to continue their work. Attacks on civil society are perilous to our democracy as a whole and these attacks also endanger the American people, seeking to isolate them from one another, reducing their resources, and creating conditions that can lead to harmful polarization and division.

Freezing Essential Services Without Congressional Consent: The current administration has also sought to deprive the American people of services and essential funding that has been allocated by Congress. In the early weeks of the administration, the Office of

²² Matson, Brett, *DOJ Terminates Justice and Public-Safety Focused Grants*, National Association of Counties, May 6, 2025, available at: <https://www.naco.org/news/doj-terminates-justice-and-public-safety-focused-grants>.

Management and Budget (“OMB”), which is now led by Project 2025 architect Russell Vought, issued a memorandum declaring that the White House would freeze nearly all federal financial assistance (such as grants, contracts, and loans) the next day.²³ Democracy Forward Foundation, representing non-profit organizations, small businesses, and public health experts, sued and obtained a court order blocking that freeze; those protections remain in place.²⁴ The administration’s attempt to deprive the American people of services and funds that Congress has appropriated goes beyond the OMB funding freeze. In another Democracy Forward Foundation case, a federal court has issued an order blocking the current administration’s attempt to freeze billions of dollars in funding for specific grants, loans, disbursements, and other federal financial assistance programs authorized and appropriated by Congress in the Infrastructure Investment and Jobs Act and the Inflation Reduction Act.²⁵ These Congressionally-appropriated funds support public health, critical infrastructure projects, and climate-centered programs in communities across the country, such as projects that keep children safe from lead exposure, help renovate homes of low-income Americans to keep them safe from mold and carbon monoxide exposure, and help family farms stay in business.

Undermining the Government’s Ability to Work for People Through Politicizing and Decimating the Civil Service: The nation’s professional career federal civil servants — who live in every state and serve the American people regardless of the President’s political affiliation—are foundational to our democracy and prosperity. In December 2024, following concerning actions and statements made by transition officials who now serve in the administration, Democracy Forward Foundation launched its Civil Service Strong initiative in order to support the nation’s civil servants as they are targeted and attacked.²⁶ Such attacks came soon after Inauguration Day. Beginning in January, the Trump-Vance administration made a range of attempts to undermine, terminate, and eradicate career civil servants – the men and women who serve all Americans and, in so doing, swear an oath to the U.S. Constitution as

²³ Office of Management and Budget, Memorandum M-25-13, dated January 27, 2025.

²⁴ Case 1:25-cv-00239, *National Council of Nonprofits, et al. v. Office of Management and Budget, et al.* filed in United States District Court for the District of Columbia on Jan. 28, 2025.

²⁵ See for example: Pub. L. 117-58, § 40551, 135 Stat. 429, 1075 (provision of IIJA providing \$3.5 billion over several years for weatherization assistance program established by 42 U.S.C. § 6861); Pub. L. 117-169, § 23003(a), 136 Stat. 1818, 2026 (provision of IRA providing \$1.5 billion over several years for the Urban and Community Forestry Assistance Program established by 16 U.S.C. § 2105(c)) as cited in Case 1:25-cv-00097, *Woonasquatucket River Watershed Council v. Trump Administration*, filed in United States District Court for the District of Rhode Island on Mar. 31, 2025.

²⁶ Michael Scherer, Jonathan O’Connell and Lisa Rein, *Federal employee groups prepare to fend off attacks by Trump and allies*, Washington Post, Dec. 18, 2024, available at <https://www.washingtonpost.com/politics/2024/12/18/federal-employees-trump-schedule-f/>.

opposed to a particular political ideology. The President issued an order that reimposed Executive Order 13957 from October 21, 2020, reinstating so-called Schedule F in the Excepted Service, which would reclassify a number of positions so that federal employees can be fired without cause or due process.²⁷ Then, the President and DOGE indiscriminately terminated (or attempted to terminate) thousands of federal employees as well as sought to lure many federal workers to take early retirements or exit packages.

The administration's efforts to terminate civil servants have been misguided. They have not made government more efficient and, worse, have undermined the government's ability to serve the American people. News reports have noted that after abruptly terminating nearly 17% of employees at the National Nuclear Security Administration ("NNSA"), the administration has had to attempt to rehire a number of employees at that agency after realizing that its decisions to abruptly terminate these employees endangered our national security.²⁸ According to these reports, the administration apparently terminated people who were staffed where weapons were built only to then find it difficult to contact them about rehiring them because they were locked out of government emails. The move is reported to have threatened the safety and security of the nation's 5,000 nuclear warheads.²⁹ At the Department of Agriculture, after the administration and DOGE cut career civil servants, news reports have indicated that the agency had to initiate a campaign to rehire bird flu workers after egg prices soared as a result of avian influenza.³⁰ More recently, news reports have indicated that DOGE firings and early retirements at the National Weather Service have created a situation where local forecasting offices lack the staff to maintain 24/7 operations.³¹ It is reported that local offices are having to worry about shifts during a tornado outbreak to ensure that there is sufficient coverage. Other offices have lost the ability to launch sufficient weather balloons, which is a key tool used in weather forecasting. These and other reports led to the National Oceanic and Atmospheric

²⁷ Executive Order 14, 171, entitled, "Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce," issued on January 20, 2025.

²⁸ Natanson, Hannah, et al. *Trump Administration Races to Fix Big Mistake: DOGE Fired Too Many People*, *The Washington Post*, June 6, 2025, available at <https://www.washingtonpost.com/business/2025/06/06/doge-staff-cuts-rehiring-federal-workers/>.

²⁹ Halper, Evan, et al. *How DOGE detonated a crisis at a highly sensitive nuclear weapons agency*, *The Washington Post*, updated March 2, 2025, available at <https://www.washingtonpost.com/business/2025/03/02/doge-nuclear-worker-firings-musk-trump/>.

³⁰ Treisman, Rachel. *The USDA Fired Staffers Working on Bird Flu. Now It's Trying to Reverse Course*. NPR, February 19, 2025, available at <https://www.npr.org/2025/02/19/nx-s1-5302019/bird-flu-usda-firings-reversed>.

³¹ Dance, Scott. *NOAA Scrambles to Fill Forecasting Jobs as Hurricane Season Looms*, *Washington Post*, May 15, 2025, available at <https://www.washingtonpost.com/weather/2025/05/14/national-weather-service-vacancies-hurricane-season/>.

Administration (NOAA) to reportedly now list for new positions to make up for the cuts.³² At other agencies, offices that respond to wildfires and hurricanes are strained as a result of early retirement offers and terminations.³³

Currently, Democracy Forward Foundation and its co-counsel are challenging the administration's announced plans to conduct a massive, arbitrary reduction in force across the federal government without the consent of Congress.³⁴ Additional threats to the civil service also remain. For example, in addition to attempting to decimate the existing federal workforce, the administration has also adopted a series of policies that attempt to take non-partisan career federal jobs and turn them into political ones. In its proposed regulation,³⁵ the Office of Personnel Management seeks to severely undermine the career civil service that this Congress has sought to protect for more than 140 years. It proposes to re-classify career civil servants identified by their agencies as having "confidential, policy-determining, policy-making, or policy-advocating" responsibilities into a new excepted service schedule with the express purpose to strip employees' earned statutory procedural rights, making them at-will employees who serve at the pleasure of the President. Broad coalitions of communities, organizations, and experts across the nation are opposing this proposal by the administration.³⁶

Undermining Accountability in Government: In addition to seeking to politicize and dismantle the civil service, the administration has taken a wrecking ball to other checks that exist to hold the government accountable. In 1978, President Carter signed the Inspector General Act to instill greater transparency and confidence in government in the aftermath of multiple scandals during the administration of President Nixon. Inspectors General conduct investigations and seek to assist federal agencies in identifying and remedying waste, fraud, and abuse in government. They have certain protections to ensure they are insulated from the whims

³² St John, Alexa and Daly, Matthew. *In Wake of Deep Cuts, NOAA Says It Will Hire For "Mission Critical" Weather-Service Positions*, *Washington Post*, June 2, 2025, available at https://www.washingtonpost.com/national/2025/06/02/climate-noaa-weather-service-doge-storms/3f5d2346-4004-11f0-b78e-5ddff7eb1e49_story.html?isMobile=1.

³³ Associated Press. *Turmoil, worry swirl over cuts to key federal agencies as hurricane season begins*, May 31, 2025, available at <https://apnews.com/video/turmoil-worry-swirl-over-cuts-to-key-federal-agencies-as-hurricane-season-begins-ce6fab6900e43c38a1abdb142281b63>.

³⁴ Case 1:25-cv-10677, *American Federation of Government Employees, AFL-CIO, et al, v. Trump, et al*, filed in the United States District Court for the Northern District of California.

³⁵ 90 Fed. Reg. 17182 (Apr. 3, 2025).

³⁶ See, for example, Comment submitted by Democracy Forward and Protect Democracy signed by over 115 organizations, June 6, 2025, available at <https://democracyforward.org/wp-content/uploads/2025/06/Schedule-PC-Coalition-Comment-Final.pdf>.

of the chief executive through requiring that they report to Congress. During the first week of the administration, and consistent with the recommendations of Project 2025³⁷, in the dark of night, the President fired more than a dozen Inspectors General general without notification to Congress. He then fired additional Inspectors General later. The administration has not replaced the Inspectors General, removing a key independent check on unlawful administration actions.

Decimating the U.S. Department of Education and Other Agencies Created By Congress: The President and his administration have taken a range of actions to decimate or undermine federal agencies created by Congress to serve people, including USAID, the Consumer Financial Protection Bureau, and the Department of Education. These moves were forecasted by Project 2025. The President has also taken aim at smaller, independent agencies as well. Some of these efforts have been blocked by the courts, which have largely focused on the President’s lack of authority from Congress to restructure the government and eliminate the ability for federal agencies to perform the duties and services that the law requires. Without the U.S. Department of Education, students (including those with special needs), local school districts, and educators will not have the services and programs they need to ensure that the nation provides education and services to communities. The President’s continued efforts to undermine Congress’ authority presents a threat to the American people, the services and programs they rely on, as well as our democracy as a whole.

Failing to Safeguard the American People’s Personal and Sensitive Data: Along with empowering DOGE to undermine our civil service, Elon Musk and DOGE have been seeking and granted access to sensitive personal information regarding individual Americans that the government holds in federal agencies, such as the Social Security Administration (“SSA”), the Department of Labor (“DOL”), the Department of Health and Human Services (“HHS”), among others. The access Musk and DOGE have had to individuals’ personal data raises profound legal concerns under the Privacy Act, which Congress put in place decades ago to protect individuals’ data from federal executive encroachment. Courts and legal experts are concerned that Musk and DOGE’s access to data violates the Privacy Act.³⁸ Yet, the current

³⁷ Alcindor, Yamiche, Hillyard, Vaughn, and Strickler, Laura. *Trump fires 18 inspectors general overnight in legally murky move*, NBC News, Jan. 25, 2025, available at <https://www.nbcnews.com/politics/white-house/trump-fires-multiple-inspectors-general-legally-murky-overnight-move-rcna189261>.

³⁸ Skene, Lea. *Federal Judge in Maryland Temporarily Limits DOGE Access to Social Security Data*, Associated Press, Apr. 18, 2025, available at <https://federalnewsnetwork.com/litigation/2025/04/federal-judge-in-baltimore-temporarily-limits-doge-access-to-social-security-data/>; Case 1:25-cv-00339, *AFL-CIO v. Dep’t of Labor*, filed in United States District Court for the District of Columbia, Memorandum Opinion, Apr. 16, 2025 (ECF 78).

administration has persisted in its efforts to access data on individual Americans while these legal cases are pending.³⁹

Compromising the Independence of the Department of Justice: Throughout the course of the administration, we have seen the President and his allies refer to the Department of Justice as if it is an institution to carry out the President’s personal agenda as opposed to an institution that operates independently and in furtherance of the American people’s rights and justice. Recently, DOJ career officials, such as and including the Director of the Office of Professional Responsibility, the office charged with ensuring DOJ attorneys act ethically, have been removed by political appointees, while other key DOJ officials characterize themselves as working directly on President Trump’s behalf in contrast with and compromising the department’s independence.⁴⁰

Compromising Civil Rights and Ignoring the U.S. Constitution: The current administration is presently engaged in a range of efforts to undermine the rights afforded to the American people under the U.S. Constitution and is seeking to reverse core progress the nation has achieved on civil rights. For example, President Trump’s executive orders seeking to stamp out diversity, equity, inclusion, and accessibility have been found by some courts to violate core First Amendment freedoms.⁴¹ The same is true for the administration’s Department of Education “Dear Colleague Letter” that misconstrues the civil rights laws to restrict equity programs and penalize educational institutions.⁴² Courts have also raised constitutional concerns regarding the administration’s retributive attacks on institutions of higher education, the legal profession, and a range of organizations from across civil society. The current administration has shown a lack of fidelity to the rule of law and the rights the American people enjoy under the U.S. Constitution. This presents a threat to principles and rights in our U.S. Constitution, to people living in America, and to our democracy as a whole.

³⁹ Fritze, John, et al., *Supreme Court Restores DOGE’s Access to Sensitive Social Security data and says it doesn’t have to turn over documents*. CNN. June 6, 2025, available at <https://www.cnn.com/2025/06/06/politics/supreme-court-restores-doges-access-to-sensitive-social-security-data>.

⁴⁰ Stein, Perry, et al. *Several Top Career Officials Ousted at Justice Department*, *Washington Post*, March 7, 2025, available at <https://www.washingtonpost.com/national-security/2025/03/07/justice-department-trump-firings/>.

⁴¹ Mark, Julian. *Federal Judge Temporarily Blocks Key Parts of Trump’s Executive Orders Targeting DEI*, *Washington Post*, February 21, 2025, available at <https://www.washingtonpost.com/business/2025/02/21/trump-dei-executive-order-blocked/>.

⁴² Blake, Jessica, *Anti-DEI Guidance Letter Put On Hold, for Now*, *Inside Higher Ed*, Apr. 24, 2025, available at <https://www.insidehighered.com/news/government/politics-elections/2025/04/24/education-departments-anti-dei-guidance-blocked>.

While the issues above are representative of some of the major concerns regarding the way in which the executive branch is harming people in America and undermining our democracy, I note that the current administration has also made a range of other decisions that make it harder for Americans to make ends meet, such as imposing hardline tariffs that have led to businesses passing off increased costs to American consumers and working families. These types of measures only compound the difficulty people living in America are facing at this time.

II. The Trump-Vance Administration's Immigration Enforcement Tactics Violate the U.S. Constitution and Other Legal Protections and Threaten the Nation's Security.

In the United States, pursuant to our Constitution and system of laws, the federal government has wide ranging authority over immigration enforcement. Yet, not even the federal government can violate the rights the U.S. Constitution affords to people. Instead of working with Congress on comprehensive immigration reform, the current administration has engaged in a range of tactics under the guise of immigration enforcement that threaten all Americans and the foundation of rights guaranteed under the U.S. Constitution and endanger the security of the American people. As explained immediately below, many of these tactics have faced roadblocks in the courts, which have seen the tactics for what they are: unlawful attempts to undermine the U.S. Constitution and arbitrary actions that do not achieve worthy goals regarding immigration policy. Moreover, the administration's endeavor to target immigrants and perpetuate harmful myths about immigrants and immigration policy is dangerous.

Birthright Citizenship: Section 1 of the Fourteenth Amendment of the U.S. Constitution plainly provides that "*All 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.*" For more than a century, the U.S. Supreme Court and courts across the nation have held that a child born in the United States to parents ineligible for citizenship is nevertheless a citizen. In the first days of this administration, the President signed an executive order that attempts to rewrite the U.S. Constitution through eliminating birthright citizenship. Every court to have considered this move has struck it down in early motions practice as unlawful, with a federal judge noting the move was "blatantly unconstitutional."⁴³ The President's early action on birthright citizenship is indicative of many of the actions that the current administration has taken with

⁴³ *Birthright Citizenship in the United States*, Fact Sheet, American Immigration Council, Mar. 14, 2025, available at <https://www.americanimmigrationcouncil.org/research/birthright-citizenship-united-states>.

respect to what it dubs immigration enforcement: it is an unconstitutional and unlawful attempt to deprive people of their rights and does not effectively further immigration policy or enforcement goals.

Enforcement in Houses of Worship: For more than 30 years, the federal government’s official policy was not to enforce immigration laws in “protected areas,” which included houses of worship (and other religious ceremonies like weddings and funerals) absent extraordinary circumstances. The reason for this, in the government’s own words, is that enforcement in such sensitive areas would “restrain people’s access to essential services or engagement in essential activities.”⁴⁴ During the first days of the administration, the Secretary of the Department of Homeland Security rescinded this policy abruptly. Democracy Forward Foundation sued in federal court on behalf of Baptist, Quaker, and Sikh houses of worship and a federal court blocked the new policy for our clients, finding that it likely violates core religious freedom protections and creates harm.⁴⁵ The court found that the government was unable to show how its goals of immigration enforcement would be disadvantaged by the court order temporarily blocking enforcement in houses of worship. Aside from the legal issues with the administration’s actions, the administration’s abrupt rescission of the sensitive locations policy has created a chilling effect for religious people and their participation in communal worship.

Prolonging Family Separation: The Office of Refugee Resettlement (“ORR”) at HHS implemented new government policies that create barriers to releasing unaccompanied children from government custody into the care of families who are ready, willing, and able to care for them. Despite ORR’s core mandate to promptly place unaccompanied children “in the least restrictive setting that is in the best interest of the child,” usually with a “suitable family member,”⁴⁶ children are languishing month after month in congregate care facilities—some of which are not even licensed by state agencies. Democracy Forward Foundation filed a class action lawsuit challenging the new policies on behalf of children and an immigrant defense organization. The court provisionally certified a class of unaccompanied children and

⁴⁴ *Secretary Mayorkas Issues New Guidance for Enforcement Action at Protected Areas*, Dep’t of Homeland Security, Oct. 27, 2021, available at <https://www.dhs.gov/archive/news/2021/10/27/secretary-mayorkas-issues-new-guidance-enforcement-action-protected-areas>.

⁴⁵ *Philadelphia Yearly Meeting of the Religious Society of Friends v. DHS*, 767 F. Supp. 3d 293 (D. Md. 2025).

⁴⁶ 8 U.S.C. § 1232(c)(2)(A).

preliminarily enjoined the administration's unlawful new policies that are preventing children's release to loving family members.⁴⁷

Obstructing Due Process: The current administration's violation of core principles of due process in its immigration enforcement operations is perhaps the most concerning element of its immigration enforcement agenda to date. In March, the President signed a proclamation pursuant to the Alien Enemies Act, a wartime law that has only ever previously been used three times in our nation's history (all in declared wars). He signed this proclamation to be able to remove people from the country in a manner that circumvents the nation's federal immigration laws and processes. Yet, in so doing, the federal government has deprived a number of individuals of any process whatsoever and removed them to an El Salvadoran prison that our own U.S. Department of State warned has inhumane conditions. A series of federal courts and judges, including those on the U.S. Supreme Court, have made clear that process is required before any person can be removed from the country. This process would be due even if the Alien Enemies Act had been properly and lawfully invoked. The current administration has not complied with court orders and/or has delayed its compliance with orders that require that it provide due process to those people it has removed without process. Just last evening, the administration petitioned another federal appeals court to stay an order issued by a district court that provides that the government must facilitate the process due to individuals. This "catch me if you can" justice⁴⁸ is no justice at all. It also offends our nation's Constitution and its values.

At Democracy Forward Foundation, our team and co-counsel are representing a number of individuals who have been removed from the country without the process required. We have also filed separate litigation on behalf of criminal defense attorneys and immigrant services organizations challenging the underlying arrangement between the U.S. State Department and El Salvador as unlawful and in violation of a number of constitutional and statutory provisions. The actions this administration has taken to deprive people of even the most basic due process is something that should concern every single person in this nation. It is contrary to our nation's laws and deeply held values and is a major threat to the American people and our system of democratic government.

⁴⁷ Case 1:25-cv-01405, *Angelica S. et al, vs. U.S. Department of Health and Human Services*, U.S. District Court for the District of Columbia.

⁴⁸ The Independent, *Trump Accused of 'Catch Me If You Can Regime' by Supreme Court Justice in Birthright Citizenship Hearing*, May 15, 2025, <https://www.yahoo.com/news/trump-accused-catch-regime-supreme-174732408.html>.

Misinformation regarding Immigrants and “Sanctuary” Jurisdictions: The current administration has used rhetoric about immigrants that perpetuates stereotypes that are polarizing and not true. The administration often seeks to paint immigrants and undocumented persons as criminals and as people who are a burden on the United States economy. These stereotypes are largely misinformed. Experts, including those at the CATO institute, have noted that while immigrants and undocumented persons may, like all segments of the population in the aggregate, commit some violent crimes they are *less* likely to commit violent and property crimes in the aggregate than people who are born in the United States.⁴⁹ Cities with higher populations of immigrants and their descendants have less crime, on average, than those without.⁵⁰ Immigrants, including undocumented immigrants, are less likely to be incarcerated in prisons, convicted of crimes, or arrested than native-born Americans.⁵¹ Myths regarding immigrants—especially those that have been touted by the current administration—are especially important to debunk in this current moment. Indeed, often in times where autocratic threats are rising, political actors seeking to undermine government accountability structures that protect individual rights target immigrant and other communities as a scapegoat to fuel broader polarization across society. This is a common playbook of anti-democratic actors. The famous and haunting poem by German pastor and concentration camp survivor Martin Niemöller *First They Came*⁵² describes the slippery slope that misperceptions and misinformation that are intended to scapegoat communities and fuel polarization can have. Understanding the facts untethered to political and polarizing grandstanding is especially important in this moment in our nation.

Misinformation regarding “sanctuary jurisdictions” has also led to harmful myths that enhance polarization and the targeting of people and communities. While there is no “one-size-fits-all” definition of a “sanctuary state,” these states are usually jurisdictions where local and state officials set the priorities and policies regarding the local jurisdiction’s law enforcement and

⁴⁹ *Fifteen Myths About Immigration Debunked*, Carnegie Corporation of New York, Sept. 27, 2021, <https://www.carnegie.org/our-work/article/15-myths-about-immigration-debunked/>; Alex Nowrasteh, *The Most Common Arguments Against Immigration and Why They’re Wrong*, available at <https://www.libertarianism.org/sites/libertarianism.org/files/2021-04/The%20Most%20Common%20Arguments%20Against%20Immigration%20and%20Why%20They%27re%20Wrong.pdf?hsCtaTracking=5b590920-b88a-4641-ba7b-5fdc41e9a266%7Cba17362a-c667-46dd-9170-b112363474e3>.

⁵⁰ Nowrasteh, *supra* n.49.

⁵¹ *Id.*

⁵² United States Holocaust Memorial Museum, Martin Niemöller “*First they Came For*,” available at <https://encyclopedia.ushmm.org/content/en/article/martin-niemoeller-first-they-came-for-the-socialists>

public safety initiatives. These jurisdictions do not necessarily conscript themselves into the federal government’s immigration enforcement purview.⁵³ This is consistent with the U.S. Constitution. Under the Tenth Amendment of the U.S. Constitution, the federal government “may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.”⁵⁴ Federal attempts to conscript states into enforcement of federal immigration laws and priorities are in many cases unconstitutional.⁵⁵

Contrary to the fiery rhetoric and myths that have been perpetuated, jurisdictions that may be known as having a “sanctuary policy” or known as “sanctuary jurisdictions” do not prevent or obstruct the federal government from its own enforcement of the law.⁵⁶ A study published in the National Academy of Sciences found that sanctuary jurisdictions do not have increased violent crime rates nor did they have a measurable impact on the deportation of undocumented people who had committed violent crimes.⁵⁷ That is, sanctuary jurisdictions were found to have no decline in the deportation of people who have committed violent crimes.⁵⁸

While an analysis of particular sanctuary policies and data is beyond the scope of this testimony, understanding common misperceptions is helpful in ensuring that politicized, imprecise, and divisive rhetoric does not cloud the realities of the U.S. Constitution, the laws across the nation, and what data has shown regarding states and local communities across the country.

III. Congress Should Act to Protect the American People and our Democracy from the Trump-Vance Administration’s Lawlessness and Harmful Policies.

This testimony has outlined a number of challenges people living in America and our democracy are facing, including challenges that have become more pronounced since January 20, 2025.

⁵³ Sanctuary Policies: An Overview, American Immigration Council, Feb. 21, 2025, available at <https://www.americanimmigrationcouncil.org/research/sanctuary-policies-overview>.

⁵⁴ *Printz v. United States*, 521 U.S. 898, 935 (1997).

⁵⁵ *Id.*

⁵⁶ Sanctuary Policies: An Overview, *supra* n.53.

⁵⁷ *See id.*; Stanford Immigration Policy Lab. *Sanctuary Policies Protect Immigrants, But Don’t Threaten Public Safety*, October 19, 2020, available at <https://law.stanford.edu/press/sanctuary-policies-protect-immigrants-but-dont-threaten-public-safety-new-stanford-research/>.

⁵⁸ Stanford Immigration Policy Lab. *Sanctuary Policies Protect Immigrants But Don’t Threaten Public Safety*, October 19, 2020, available at <https://law.stanford.edu/press/sanctuary-policies-protect-immigrants-but-dont-threaten-public-safety-new-stanford-research/>.

The disregard for our U.S. Constitution and for individual rights that the current administration has shown so far in its tenure is highly concerning, as is the rapid acceleration of a range of policies and practices that undermine the foundations of our democracy. Yet, the current administration's pledge to govern by "shock and awe"—its king-like approach—can be checked by the actions of this Congress, as can the nation's broken immigration system. Congress can and should take important steps to ensure that no branch of government undermines the ability of the American people to seek their day in court to protect their rights. It should set clear expectations regarding the President and the executive branch's compliance with court orders. And, it should ensure that in the United States there are no kings.

What the nation is presently experiencing at the hands of this executive branch transcends traditional politics. Americans of all ideological beliefs are concerned about the administration's actions, and individuals and communities of all backgrounds are being harmed by a range of the policies that the administration is seeking to accelerate. As we have seen through the diverse communities that have come together to defend their rights in court, there is an opportunity for policymakers to also unify around common ground and protect the American people and our democracy. We implore this Congress to do so.
