

Questions for the Record from Rep. Jerrold Nadler for Mr. Deepinder Singh Mayell

“Europe’s Threat to American Speech and Innovation: Part II”

February 4, 2026

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1. Could you explain how the ACLU and the ACLU of Minnesota's work to protect the First Amendment in Minneapolis is consistent with the ACLU's long history of protecting free speech for all?
2. Could you explain how the ACLU and the ACLU of Minnesota's work to protect the Fourth Amendment in Minneapolis is consistent with the ACLU's long history of protecting the people from unreasonable searches and seizures by the government?



Hon. Jim Jordan  
Chair  
Committee on the Judiciary  
U.S. House of Representatives  
Room 2056, Rayburn HOB  
50 Independence Ave, SW  
Washington, DC 20515-3504

Hon. Jamie Raskin  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
Room 2242, Rayburn HOB  
50 Independence Avenue, SW,  
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Hon. Jerry Nadler  
Committee on the Judiciary  
U.S. House of Representatives  
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Dear Mr. Jordan, Mr. Raskin, and Mr. Nadler:

Thank you again for the opportunity to testify before the House Committee on the Judiciary on February 4, 2026, and for the opportunity to respond to Mr. Nadler’s questions for the record. We are pleased to provide more information on our century-long tradition of fighting for civil rights and civil liberties for all people.

For 106 years our mission has been simple, but not easy: to fight for the guarantees of the Constitution, for all. The ACLU is a nonpartisan, national organization that combines our litigation, advocacy, organizing, and strategic communications skills to protect and advance civil rights and civil liberties for all in the United States, recognizing that civil rights and civil liberties violations often start first with the most marginalized and vulnerable. We believe in the promise of our Constitution — freedom, justice, and equality for all. We are committed to that promise: to create a more perfect union.

The principled defense of our rights to free speech and to privacy under the First and Fourth Amendments is core to our work. As described below, we defend those core rights for all people, regardless of race, religion, or political beliefs.

We defend freedom of speech under the First Amendment, regardless of the speaker or the message.

Defense of our rights guaranteed by the First Amendment is a core pillar of the ACLU's advocacy dating back to the organization's founding in 1920, and early ACLU advocacy included defending authors, artists, religious minorities, and political dissidents.<sup>1</sup> Today, we defend speech and speakers, regardless of the message, including speech that we deeply disagree with. That work has included defending the rights of speakers across the ideological spectrum. Some recent work of the ACLU has included:

- ***NRA v. Vullo***. In 2024, we represented the National Rifle Association against New York state's Superintendent of Financial Services, a Democrat, who openly claimed that she sought to penalize the NRA because she disapproved of its political advocacy by urging insurance companies and financial institutions to "sever ties" with the NRA. We argued before the Supreme Court that informal, indirect efforts by government officials to suppress or penalize speech by putting pressure on third-party intermediaries violates the First Amendment.<sup>2</sup> We prevailed in the Supreme Court, which issued a 9-0 decision.<sup>3</sup>
- ***United States v. Trump***. In 2023, we filed an amicus brief defending the then-former President's freedom of speech — and our freedom to hear his speech — against an overbroad gag order issued by a federal district court. Along with our affiliate in the District of Columbia, we argued that President Trump retains a First Amendment right to speak, and the rest of us have a right to hear his speech and that the gag order must be precisely defined and narrowly tailored to prohibit imminent threats against individuals or conduct that would interfere with the impartial administration of justice — not to broadly limit his speech "targeting" the activities of the court.<sup>4</sup>
- ***First Choice v. Platkin***. Just last year, we joined the Foundation for Individual Rights and Expression and our New Jersey affiliate in filing an amicus brief before the Supreme Court. Our amicus brief argued that First Choice Women's Resource Centers, a nonprofit that runs anti-abortion crisis pregnancy centers, should be able to raise First Amendment claims in federal court challenging law enforcement

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<sup>1</sup> *The Successes of the American Civil Liberties Union*, ACLU, <https://www.aclu.org/successes-american-civil-liberties-union> (last visited Feb. 12, 2026).

<sup>2</sup> *National Rifle Association v. Vullo*, ACLU (Jan. 9, 2024), <https://www.aclu.org/cases/national-rifle-association-v-vullo>.

<sup>3</sup> *Nat'l Rifle Ass'n v. Vullo*, 602 U.S. 175 (2024).

<sup>4</sup> *United States v. Trump (Amicus Brief)*, ACLU (Oct. 24, 2023), <https://www.aclu.org/cases/united-states-v-trump-amicus-brief>.

subpoenas served by New Jersey’s attorney general — a Democrat — seeking sensitive donor information, even before they are enforced.<sup>5</sup>

- **Defending Trump Online.** During President Biden’s term, several social media companies restored then-former President Trump’s access to their platforms. The ACLU praised decisions by Twitter (now X) and Meta to restore Trump’s access; when Elon Musk announced his intention to reinstate Trump, we argued, “You’d be hard-pressed to find a more steadfast opponent of Trump and his policies than the ACLU, but Elon Musk’s decision to re-platform President Trump is the right call. . . . Like it or not, President Trump is one of the most important political figures in this country, and the public has a strong interest in hearing his speech”<sup>6</sup> — a position that drew ire from progressive organizations.<sup>7</sup>
- **Challenging Biden-Era Encroachments on Free Speech and Privacy.** The ACLU challenged several encroachments on free speech by federal agencies during the Biden Administration. In 2021, the ACLU and the New York Civil Liberties Union filed Freedom of Information Act (FOIA) requests with nine agencies, seeking information on their use of aerial surveillance tools, including drones, helicopters, and spy planes to monitor protests.<sup>8</sup> When those requests resulted in only two largely redacted pages from one of the agencies, we filed suit. We similarly called out President Biden’s support for unconstitutional surveillance powers<sup>9</sup> and his administration’s expansion of facial recognition-powered surveillance.<sup>10</sup>

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<sup>5</sup> *SCOTUS Should Protect Organizations from State Subpoenas That Chill Free Speech, ACLU Argues*, ACLU (Dec. 2, 2025), <https://www.aclu.org/press-releases/scotus-should-protect-organizations-from-state-subpoenas-that-chill-free-speech-aclu-argues>.

<sup>6</sup> *ACLU Comment on Elon Musk Stating He Will Reinstate Trump on Twitter*, ACLU (May 10, 2022), <https://www.aclu.org/press-releases/aclu-comment-elon-musk-stating-he-will-reinstate-trump-twitter>; *accord ACLU Comment on Meta’s Decision to Reinstate Trump on Facebook*, ACLU (Jan. 25, 2023), <https://www.aclu.org/press-releases/aclu-comment-on-metas-decision-to-reinstate-trump-on-facebook>.

<sup>7</sup> Jeffrey Clark, *Liberals Lose It After ACLU Defends Trump Being Reinstated to Facebook and Instagram*, Fox News (Jan. 26, 2023), <https://www.foxnews.com/media/liberals-lose-it-after-aclu-defends-trump-reinstated-facebook-instagram-absolute-bollocks>; Michele Blood, *ALCU Faces Friendly Fire After Defending Facebook and Instagram’s Decisions to Reinstate Trump*, Blaze Media (Jan. 26, 2023), <https://www.theblaze.com/news/aclu-faces-friendly-fire-after-defending-facebook-and-instagram-s-decision-to-reinstate-trump>.

<sup>8</sup> *ACLU v. CBP - FOIA Case for Records Relating to Government’s Aerial Surveillance of Protesters*, ACLU (Dec. 7, 2021), <https://www.aclu.org/cases/aclu-v-cbp-foia-case-records-relating-governments-aerial-surveillance-protesters>.

<sup>9</sup> Kia Hamadanchy, Senior Policy Counsel, *Biden Knows Section 702 is Unconstitutional, Yet His Administration Still Defends It*, ACLU (July 10, 2023), <https://www.aclu.org/news/privacy-technology/biden-knows-section-702-is-unconstitutional-yet-his-administration-still-defends-it>.

<sup>10</sup> Kate Ruane, Former Senior Legislative Counsel, *Biden Must Halt Face Recognition Technology to Advance Racial Equity*, ACLU (Feb. 17, 2021), <https://www.aclu.org/news/privacy-technology/biden-must-halt-face-recognition-technology-to-advance-racial-equity>.

There are numerous other examples of our commitment to defending the First Amendment right to speak, even when we vehemently disagree with the speakers' message or aims.<sup>11</sup> We vigorously defend those rights, regardless of the speaker or the party affiliation of the occupant of the White House or the governor's mansion.

We defend the Fourth Amendment's protections against unlawful searches or seizures in jurisdictions run by administrations of all political persuasions. Just as the ACLU defends First Amendment rights regardless of the speaker or the message, we have also challenged violations of the Fourth Amendment in red and blue states and red and blue municipalities:

- ***Fairfax County v. Leach-Lewis***. The ACLU filed an amicus brief with the Institute for Justice and the ACLU of Virginia, contending that the Fourth Amendment and parallel protections under the Virginia constitution apply even in civil zoning enforcement actions.<sup>12</sup>
- ***Coalition on Homelessness v. San Francisco***. In September 2022, the ACLU of Northern California and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area filed a lawsuit on behalf of the Coalition on Homelessness and several individual plaintiffs against the City and County of San Francisco and Mayor London Breed, challenging their unconstitutional treatment of unhoused San Franciscans. A federal district court granted a preliminary injunction against San Francisco's policy of "seizing and destroying" unhoused people's property under the Fourth Amendment.<sup>13</sup>
- ***Collins v. Milwaukee***. In 2017, the ACLU and the ACLU of Wisconsin challenged the Milwaukee Police Department's unconstitutional stop-and-frisk program that targeted tens of thousands of people without reasonable suspicion of criminal activity. The litigation resulted in a settlement that required Milwaukee to change policies regarding stops and frisks, documentation, training, the release of information to the public, and reducing the prevalence of unlawful stops and frisks.<sup>14</sup>

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<sup>11</sup> For additional examples, see David Cole, Former ACLU Legal Director, *Defending Speech We Hate*, ACLU (Feb. 20, 2024), <https://www.aclu.org/news/civil-liberties/defending-speech-we-hate>.

<sup>12</sup> *Board of Supervisors of Fairfax County v. Leach-Lewis*, ACLU (Feb. 20, 2024), <https://www.aclu.org/cases/board-of-supervisors-of-fairfax-county-v-leach-lewis>.

<sup>13</sup> *Coalition on Homelessness v. City and County of San Francisco*, ACLU (June 12, 2025), <https://www.aclu.org/cases/coh-v-sf>.

<sup>14</sup> *Collins et al. v. The City of Milwaukee et al.*, ACLU (Oct. 7, 2024), <https://www.aclu.org/cases/collins-et-al-v-city-milwaukee-et-al>.

We appreciate the opportunity to share our principled work to defend the rights guaranteed by the First and Fourth Amendments. Those rights remain crucial for our republican form of government, regardless of the political persuasions of the speakers, individuals, or the government officials involved.