



**INSTITUTE FOR
FREE SPEECH**

A Progress Report to Supporters
of the
Institute for Free Speech

January 2025 – December 2025

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Mission

The Institute for Free Speech, through strategic litigation, communication, activism, training, research, and education, works to promote and defend the political rights to free speech, press, assembly, and petition guaranteed by the First Amendment.

Vision

Free speech. It's fundamental to American democracy. The First Amendment to the Constitution says we have the right to freely speak, associate, assemble, publish, and petition the government. Government and society can't be improved without free speech. Equally important, our free political speech rights help protect every citizen from abuse of governmental power. Free speech can mean the difference between liberty and tyranny.

Today, our free speech rights are under assault. Some politicians seek to stifle dissent, quash opposition, and expand their power. They do this by passing laws that aim to suppress and limit speech about government and candidates, threaten our privacy if we speak or join groups, and impose heavy burdens on organizing. To further their agendas, some organizations want powerful politicians to decide what speech is acceptable and what is not. Others want the government to decide how much can be spent on speech or organizing groups. Such limits make it difficult or impossible for those with differing views to make their voices heard. And if we cannot speak, others cannot hear our ideas, consider them, and act. The result is a democracy that is less vibrant, less dynamic, and less free.

The Institute for Free Speech exists to protect and defend the First Amendment's speech freedoms. We believe that differing opinions and new, challenging ideas make for a more robust democracy. We believe free speech makes it possible to improve our country and our lives. We believe free speech makes those in power more accountable to the people. We believe government should never decide who can speak and who can't—or how much speech is "too much."

We put those beliefs into practice by championing free speech for all: those less powerful, those who think differently, those with ideas that may be unpopular at the moment, and those who believe there may be a better way forward. Every day, we go to work and dedicate ourselves to protecting and defending every American's ability to exercise their First Amendment right to free political speech.

The nonpartisan **Institute for Free Speech** defends the First Amendment on many fronts. We go to court to help clients protect their rights and set new precedents. We work with government officials to craft laws that expand free speech and adhere to the Constitution. We produce research that helps us build a strong case for speech rights. We communicate with and educate the public, legislators, organizations, and the media to enable every American to understand the importance of the First Amendment's speech freedoms. Our many successes in

these areas have helped expand free political speech protections for individuals and organizations.

Free speech for all. That is our vision, our goal, our quest. If you believe in that vision as well, we ask for your support and assistance. Please join us in enhancing and defending free speech rights.

Executive Summary

This report covers activities related to the use of funds from January 2025 through December 2025 to protect and advance free political speech and donor privacy.

- Won nine victories in completed cases and other favorable rulings in ongoing cases, including new precedents in the federal appeals courts in the First, Fifth, and Eleventh Circuits. Among the wins:
 - Won a permanent injunction against the Kansas campaign finance law that broadly defined PACs, which threatened groups with unwanted donor exposure. That led the Kansas Legislature to reform campaign finance laws, including clarifying that groups that are not PACs that make independent expenditures aren't required to disclose donors.
 - Won parents' First Amendment rights to speak at school board meetings in Brevard County (FL). Officials censored them for criticizing gender identity policies, books with sexual content, and mask mandates. This case closed in 2025 and set a precedent in the Eleventh Circuit in 2024.
 - Won a ruling on behalf of clients who were denied a request to fly a "Pine Tree" flag on a city "Citizen Flag Pole" due to viewpoint-based discrimination by local officials and set a precedent in the First Circuit.
 - Won a U.S. Court of Appeals for the Fifth Circuit ruling that the Institute has standing to challenge a Texas law prohibiting nonprofit corporations from providing pro bono legal services to Texas candidates and political committees.
 - Won a lawsuit against the University of Oregon for blocking professor Bruce Gilley after he responded to a post from the school's DEI office with the phrase "All men are created equal."
 - Won a settlement from a California public college for its censorship of a Young America's Foundation chapter. Officials had threatened discipline for their speech against illegal immigration and for criticizing Hamas as "a terrorist organization." The college changed its speech policies as part of the settlement.
 - Won a settlement from a New Hampshire public school board that censored our client at public comment time for talking about a biologically male athlete who competes on the girls' soccer team.
 - Won a district court ruling striking down Maine's ban on Super PACs and the zero-dollar donor disclosure threshold for independent expenditure groups.
 - Won a district court ruling blocking Minnesota's new lobbying vendor

disclosure law.

- Filed eight new lawsuits in cases ranging from campaign contribution limits and donor privacy to press freedom and censorship by government officials.
- Managed a litigation portfolio typically consisting of about 20 cases simultaneously, the most in our history.
- Filed nine formal comments, public recommendations, or provided expert testimony to the FEC, FCC, IRS, Department of Justice, state and federal lawmakers, and other government agencies.
 - We believe we were the only organization to recommend that the Treasury Department include reform of guidance on the “Johnson Amendment” in its 2025-2026 Priority Guidance Plan. In September 2025, the agency announced it would include it in the plan. The Johnson Amendment chills the speech of 501(c)(3) organizations, including churches, and can be used by IRS bureaucrats to harass organizations for disfavored speech.
- We don’t file many amicus briefs, so we aim for high-impact briefs in critical cases. When the Arizona Supreme Court considered whether to grant review of a challenge to Proposition 211, the nation’s most intrusive donor disclosure law, our amicus brief was the only one to urge the Court to review the law’s facial validity. Even though the petitioners didn’t make that request, the Court granted review and asked for supplemental briefing on the facial question. At least three different appellate court opinions cited our amicus briefs in 2025.
- Our research publications helped bring unprecedented public attention to, and understanding of, how state anti-SLAPP laws protect free speech. Between our 2023 and 2025 reports, over 30 million more Americans are now protected by new or improved laws that provide quick dismissal of frivolous lawsuits that harm free speech.
 - Our other two ratings of the states on contribution limits and campaign finance and lobbying laws were also a significant factor in recent Kansas law changes that better protect election campaign speech and donor privacy.
- We have earned nearly 1,500 media mentions in 2025 and have placed over 50 op-eds in 2025, including *USA Today* and multiple hits in *The Wall Street Journal*.

Strategic Litigation

Completed Cases

In 2025, we brought the following cases to a complete and final victory on the merits.

- ***Brevard Moms for Liberty v. Brevard Public Schools* (school board censorship)**

The United States Court of Appeals for the Eleventh Circuit ruled in our clients’ favor in October 2024 in a case involving three concerned parents from Moms for Liberty’s Brevard County, Florida, chapter. Their lawsuit against Brevard Public Schools challenged

prohibitions on purportedly “abusive” and “personally directed” speech, as well as the school’s unusual ban on what it called “obscene” speech that was in fact not obscene.

This precedent has the same impact in Alabama, Florida, and Georgia (states covered by the Eleventh Circuit) as a Supreme Court precedent would nationwide, thereby enhancing speech rights for nearly 40 million Americans. And it is persuasive authority in every court nationally.

After the appellate win, the case returned to district court, and the case closed in 2025.

- ***Fresh Vision OP, Inc., et al. v. Skoglund, et al.* (campaign finance and donor privacy)**

Fresh Vision is a local nonprofit that advocates for quality-of-life issues in Overland Park, Kansas. The state had previously attempted to force Fresh Vision to register as a political committee, which threatened its existence because many of its supporters would cease contributing if their donations were publicly disclosed.

Fearing further enforcement actions, Fresh Vision suspended its activities. After the court ruled that the law was unconstitutional, the group resumed its community advocacy and can maintain the privacy of its donors’ identities.

Moreover, a recent bill signed into law by Governor Laura Kelly reformed the constitutionally defective provisions challenged in the lawsuit. It also clarified that non-PACs that make independent expenditures are not required to disclose donors.

The public attention the lawsuit drew to the state’s defective campaign finance laws provided momentum for the enactment of another law that raised contribution limits for the first time in decades and allowed parties to give unlimited support for their nominees.

- ***Gilley v. Stabin* (university censorship)**

In June 2022, a University of Oregon Twitter account blocked professor Bruce Gilley for responding to a post from the school’s DEI office with the phrase “All men are created equal.”

The Institute vigorously advocated for Professor Gilley’s free speech rights throughout nearly three years of litigation, during which the case underwent several key legal developments before ultimately settling. In March 2024, the U.S. Court of Appeals for the Ninth Circuit vacated a previous denial of a preliminary injunction and remanded the case.

That victory ultimately led to a settlement in March 2025. The agreement required the university to prohibit viewpoint-based censorship on its social media accounts, create an appeals process for those who believe they were wrongfully blocked, and conduct annual First Amendment training for social media managers.

- ***KFOR-TV v. Ryan Walters* (press censorship)**

Oklahoma’s oldest TV station fought back against state officials who repeatedly barred its credentialed journalists from public meetings and press conferences—all without explanation. We represented three reporters and their employer, the owner of Oklahoma City television station KFOR-TV, against the now-former Oklahoma Superintendent of Public Instruction, Ryan Walters, and his press secretary.

Early in the litigation, the judge issued a temporary restraining order instructing the defendants to allow the station’s reporters to attend State Board of Education meetings and Walters’ press conferences. We settled the lawsuit’s merits shortly before the scheduled trial date in December 2024, and Walters dropped his appeal of the fee award in September 2025.

- ***Samimiat, et al. v. Smallshaw* (university censorship)**

The case arose from efforts to establish a Young America’s Foundation chapter on the Golden West College campus and speak openly about controversial political and social issues despite resistance from the school. During a recent campus Club Expo, YAF members displayed a whiteboard on campus encouraging students to “change my mind” about their messages, including “Illegal immigration is a cancer upon any society” and “ Hamas is a terrorist organization, and they must be wiped from the face of the earth.”

Following complaints, the college’s Director of Student Life, Stephanie Smallshaw, summoned YAF officers to a meeting, where she warned that they would face disciplinary action for continuing to express these views, falsely claiming their statements could “incite violence.”

After we filed the lawsuit, the college agreed to settle the case, eliminate and amend provisions in its Student Code of Conduct that had allowed it to censor speech, and pay symbolic damages of \$17.91 and attorney’s fees.

- ***Scaer v. Mastin, et al.* (school board censorship)**

Our client, Beth Scaer, spoke out against male athletes in girls’ high school sports during public comment time at a local school board meeting. The board silenced her just seconds into her remarks. It threatened to have the police remove her, claiming that she had violated an unwritten policy against “derogatory comments” for merely referring to a biologically male athlete who competes on the girls’ soccer team as a “tall boy.”

In September 2025, the school board settled the case. Under the settlement terms, the school board formally agreed to eliminate any policy prohibiting citizens from making “derogatory” comments during public meetings. The board also committed to refrain from discriminating against speakers based on their viewpoint and to apply meeting rules in a viewpoint-neutral manner, and to pay attorney’s fees.

Favorable Rulings in Ongoing Cases

- ***Alexander v. Sutton* (New York City school board censorship)**

New York City’s Department of Education is trying to function as a Department of Conformity, especially in Community Education Council (CEC) 14 (the city’s term for local school boards). There, CEC 14 leaders have punished and chilled the speech of individuals who do not conform to the personal political views of the board’s leaders.

Aiding them in this effort is the New York City Department of Education’s (DOE) Regulation D-210, which governs the speech of CEC members and members of similar citywide advisory boards. The regulation permits anyone to file a complaint. It then triggers an investigation and potential removal of CEC members for speech that others find offensive or disrespectful, even if it occurs outside CEC meetings.

In March 2024, we filed a lawsuit in a New York federal court on behalf of three elected parent leaders, challenging the unconstitutional conduct of DOE officials and the regulation. In September 2024, a federal judge issued a preliminary injunction and ordered the DOE to reinstate our client, Maud Maron, to her elected position on CEC 2. The now-former NYC Department of Education Chancellor David Banks had removed Maron for her public statements to the *New York Post* criticizing antisemitism—statements that Banks said violated Regulation D-210.

The court also blocked enforcement of several of CEC 14’s rules that bar parents from criticizing the “competence or personal conduct” of individuals and other aspects of its “Community Guidelines” and “Community Commitments,” which officials used to punish the speech of parent leaders, banning them from meetings and blocking them on social media.

Efforts to settle are ongoing. The key remaining issue is our insistence that the city repeal or rewrite Regulation D-210. If the city refuses to settle, we’ll continue litigating on behalf of our clients. This lawsuit has the potential to improve speech rights in the country’s largest school district, which serves nearly 900,000 students.

- ***Buckeye Institute v. IRS* (donor disclosure)**

The lawsuit challenges a decades-old tax law that forces the IRS to annually collect the private information of the largest donors to nearly every charity on IRS Form 990 Schedule B.

The district court judge agreed with our arguments that the appropriate standard is exacting scrutiny, as per the 2021 Supreme Court ruling in *Americans for Prosperity Foundation*. The exacting scrutiny standard significantly boosts our client’s chances of winning.

The IRS appealed the ruling to the U.S. Court of Appeals for the Sixth Circuit.

The court accepted the IRS’s request for an interlocutory appeal. We expect oral arguments in the spring.

- ***Dinner Table Action, et al. v. Schneider, et al. (independent expenditure limit, donor privacy)***

Maine’s “Question 1,” which passed in November 2024, imposed a \$5,000 annual limit on contributions to groups making independent expenditures and required disclosure of all donors, regardless of contribution size.

We filed the lawsuit in December 2024, and the district court ruled the law unconstitutional in July 2025.

Maine filed an appeal to the U.S. Court of Appeals for the First Circuit. A win would add another circuit court precedent protecting Super PACs and free speech in election campaigns.

- ***Institute for Free Speech v. Tinley, et al. (pro bono legal services)***

We established another circuit court precedent in July when the U.S. Court of Appeals for the Fifth Circuit ruled that the Institute has standing to challenge a Texas law prohibiting nonprofit corporations from providing pro bono legal services to Texas candidates and political committees. The case is now back in the district court for a ruling on the merits.

- ***Johnson v. Fliger, et al. (university censorship)***

Bakersfield College administrators sent an unmistakable message: anyone who dares commit wrongthink against the state-approved DEI ideology—or who challenges other faculty who promote that ideology—can have their careers sidetracked or ruined. Our client, California professor Daymon Johnson, is challenging these demands.

In July 2025, the U.S. Court of Appeals for the Ninth Circuit ruled that Johnson’s conduct was arguably forbidden by a California law, overruling the district court and recognizing Johnson’s standing to sue.

A favorable ruling would protect the academic freedom of California community college faculty, who serve nearly 1.9 million students.

- ***Minnesota Right to Life and Minnesota Gun Rights v. Rashid, et al. (lobbying law, associational privacy)***

Two conservative Minnesota groups are challenging the state’s new, sweeping disclosure requirements. These rules force grassroots groups to publicly reveal all vendor information whenever they spend more than \$2,000 on advertising that encourages people to contact their elected officials. The groups have lost access to vendors in the past when the vendors became targets of harassment campaigns.

Winning a lobbying law case is one of the most challenging types of litigation. Yet in October 2025, the judge blocked Minnesota from enforcing its vendor disclosure requirements. Activists are increasingly concerned about the dangers of forced disclosure in the highly polarized political climate.

New Cases

- ***McDonald v. Federal Election Commission (donor privacy)***

The lawsuit, filed in February 2025, challenges the constitutionality of federal campaign finance disclosure requirements for people who give \$200 or less and use online platforms, such as WinRed, to make candidate contributions.

This case has significant potential to establish a new precedent protecting donor privacy. The district court dismissed the case, stating that disclosure did not constitute a First Amendment harm. We have appealed this ruling to the Fifth Circuit.

- ***No on EE v. Beall (disclaimers)***

No on EE, also known as the “A Bad Deal for Colorado, Issue Committee,” was formed to oppose a tax on the 2020 ballot. It registered with the Colorado Secretary of State and provided the name of its registered agent, as required by law. However, the initial ads omitted the registered agent’s name, prompting a complaint to the Secretary from a political opponent.

The state imposed a \$30,000 fine for this minor oversight, which a district court upheld on appeal. The Colorado Court of Appeals overturned the state’s fine, holding that the disclosure requirement violated the First Amendment.

The Secretary appealed this ruling to the Colorado Supreme Court, which granted review. No on EE asked us to defend the ruling at the state’s highest court. The case can establish a significant court precedent that limits the reach of disclaimer laws.

- ***Safe Affordable Georgia, Inc. v. James D. Kreyenbuhl, et al. (contribution limits)***

Safe Affordable Georgia, a political committee chaired by Georgia Secretary of State and gubernatorial candidate Brad Raffensperger, is challenging Georgia laws that limit the ability of his political committee to support his campaign.

One of his opponents benefits from a 2021 law that allows the governor, the lieutenant governor, and eight of the most powerful legislators to form “Leadership Committees.” These lawmakers can raise unlimited funds for their committees and spend them in any state race, including in their own campaign. Effectively, these powerful incumbents no longer have contribution limits, but nearly all other candidates do.

If we succeed with this challenge, all candidates in this race will be able to raise unlimited funds.

- ***Utah Political Watch, et al. v. Musselman, et al. (press censorship)***

We filed a federal lawsuit on behalf of Bryan Schott and Utah Political Watch (UPW) against Utah legislative officials who denied Schott’s application for press credentials. The denial came after the Utah Legislature changed its credentialing rules in November 2024 to exclude “blogs, independent media outlets, or freelance media,” a change made just weeks after Schott inquired about obtaining credentials for the 2025 session.

Despite receiving press credentials every year since at least 2013, Schott, a recipient of the National Press Foundation’s Election Journalism Fellowship and Utah’s Best Newspaper Reporter award, was denied access for the 2025 session.

Discovery revealed that there were no space restraints or other reasons to limit the size or scope of the press pool. However, both House and Senate leaders have complained about Schott’s coverage. A state senator said Schott was excluded to “teach him a lesson.”

Despite this, the district court dismissed the case on the theory that members of the media do not have more First Amendment rights than the public, and there is no general public right to access legislative sessions or press conferences. The case is now on appeal at the Tenth Circuit.

Journalism by independent media is becoming increasingly important, especially for small and start-up conservative outfits challenging the left-wing bias of traditional media giants. A win in this case would ensure that both legacy media and independent media outlets are treated equally and not punished because public officials dislike their reporting.

Work Outside the Courtroom

New Policy Work

We filed nine formal comments, public recommendations, or provided expert testimony in 2025, including:

- Four separate comments to the FEC, which included recommendations to:
 - Allow for redaction of contributor information, especially home addresses, in certain situations.
 - Allow candidates to transfer funds from campaign committees to Super PACs.
 - Lessen the burden on state and local political parties.
- In May 2025, we requested that the IRS include reform of its “Johnson Amendment” rules in the agency’s “2025-2026 Priority Guidance Plan.” In September 2025, the agency announced it would include revised guidance in the 2025-2026 plan.

- Comments to the Department of Justice on a proposed rulemaking amending the Foreign Agents Registration Act (FARA) regulations.
- Comments to the FCC, which included recommendations related to reconsidering a provision of the Telephone Consumer Protection Act regulations that govern text messages made by political campaigns.

Media Outreach, Research, and Public Education

On the media front, 2025 was our most successful and prolific year to date. We have earned nearly 1,500 media mentions and placed over 50 op-eds in 2025, one of the highest rates of placement in our history. Despite achieving this new milestone, 2026 has even greater potential to increase our visibility to a broader national audience.

We also identified a strategic partnership with Gannett Media. As the parent company of USA Today and owner of hundreds of publications nationwide, Gannett offers significant reach. Stories published at the national level often appear in dozens of affiliated outlets, and many more publications frequently pick up regional stories.

An example of this strategy in practice was the recent release of our 2025 Anti-SLAPP Report Card, detailing and rating state-by-state legal protections against “SLAPP” suits, which stands for “strategic lawsuit against public participation.” Unscrupulous plaintiffs abuse the legal system by filing frivolous lawsuits to punish or prevent speakers from exercising their First Amendment rights.

To help publicize the report, we provided them with an early exclusive. The story was published across multiple outlets within the Gannett network. Beyond Gannett, our broader press outreach generated more than 70 media hits on this story alone.

Research—Free Speech Ratings of the 50 States

As mentioned above, we released the 2025 edition of our 50-state scorecard on state anti-SLAPP laws.

Since the 2023 report, twelve states have raised their anti-SLAPP scores by adopting or improving laws, including Ohio, Michigan, Minnesota, Iowa, Pennsylvania, and South Dakota. Overall, progress in the states since we began publishing our ratings in 2022 has been remarkable.

Four-Star Charity

Institute for Free Speech Again Awarded Charity Navigator's Top Rating

The Institute for Free Speech was again awarded a 4-star rating, the highest possible, by Charity Navigator for “demonstrating strong financial health and commitment to accountability and transparency.”

Charity Navigator first rated the Institute for Free Speech in 2015; we received a 4-star rating every year since.

Charity Navigator's coveted 4-star rating indicates that the Institute for Free Speech exceeds industry standards in pursuing our mission in a financially efficient way.

