

Closing Civic Space in the United States: Connecting the Dots, Changing the Trajectory

Rachel Kleinfeld

Closing Civic Space in the United States: Connecting the Dots, Changing the Trajectory

Rachel Kleinfeld

© 2024 Carnegie Endowment for International Peace. All rights reserved.

Carnegie does not take institutional positions on public policy issues; the views represented herein are those of the author(s) and do not necessarily reflect the views of Carnegie, its staff, or its trustees.

No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from the Carnegie Endowment for International Peace. Please direct inquiries to:

Carnegie Endowment for International Peace
Publications Department
1779 Massachusetts Avenue NW
Washington, DC 20036
P: + 1 202 483 7600
F: + 1 202 483 1840
CarnegieEndowment.org

This publication can be downloaded at no cost at CarnegieEndowment.org.

Contents

Closing Space Internationally	1
What's Happening in the United States	3
Governmental Regulatory and Legal Powers	3
Private Legal and Regulatory Harassment	4
Threats and Violence	4
Narrative Attack	5
Actors, Targets, and Goals	12
The Illiberal Right	13
The Illiberal Left	14
How Closing Civic Space in the United States Differs From Other Countries	15
What to Expect for the Future	20
Elements of an Effective Response	22
The Use of Narrative and Moral Ambiguity to Advance Closing Space—and How to Fight Back	24

About the Author	29
Notes	31
Carnegie Endowment for International Peace	44

Closing Space Internationally

The absence of civic space was a hallmark of Cold War totalitarianism. There was the individual, and there was the government; any attempt to organize regular people to act or speak publicly in even innocuous ways—such as a birdwatching league, a home church, or a small arts magazine—had to be monitored and approved by the ruling party or crushed.

The blossoming of civil society across the former Soviet Union and many other once-closed societies was among the strongest signals that the 1990s wave of democracy was not only toppling authoritarian regimes but also growing roots. Organizations, interest groups, religious congregations, open media, and the free exchange of ideas helped people find their voices, locate their communities, and push their governments and societies to do things that they cared about.

Then, in the mid-2000s, democracy started to recede globally. And the walls started to close in on civil society.

As America's long wars drained its unipolar geopolitical power, the resurgence of Russia, China, and authoritarian regional powers allowed countries whose leadership commitment to democracy had always been tenuous to choose a different path. Like the garbage compactor in *Star Wars* bearing down on the Resistance heroes, ruling parties began to systematically and inexorably tighten the space for civil society to do its work. Autocratizing regimes like Russia and Venezuela began first. Their tactics were imitated by politicians moving away from democracy in places like Ethiopia and Nicaragua and eventually by once fulsome but now faltering democracies like India, until the tactics had spread around the globe from Ecuador to Uganda.

The pushback against civil society initially targeted activities that were easy to paint as concerning—particularly foreign funding for organizations that worked on democracy and human rights issues. Groups were hit with laws forcing them to register as foreign agents, restrictions on accepting foreign donations, regulatory harassment, and rhetorical demonization campaigns. There are, of course, legitimate reasons for countries not to want foreigners supporting their domestic political parties, think tanks, or social causes. Often, governments cited other reasonable concerns, such as pressure to tighten funding streams to prevent inadvertent terrorist support.¹

But over time, it became clear that the problem with civil society organizations was not their Western sources of funding, or philanthropic overreach, or reasonable countervailing interests. The problem was that governments, both democratic and less so, felt threatened by an increasingly effective civil society. They wanted more control. So they brought a variety of tools to bear that worked systematically to reduce their citizens' access to information, voice, and power, to prevent people from challenging their ruling parties.

In contrast to twentieth-century repression, this new trend featured legal tools and reasoning that, on the surface, often looked legitimate. The problem was in how these tools were used. Laws often included broad and vague language that gave governments vast discretion to crack down on organizations of their choice. Activists were not, at first, whisked off to jail or censored. Instead, they were worn down with legal cases, fines, investigations, raids, and other tools, until many individuals simply moved on to other work.² The more brute tactics were employed later, when there were fewer people to act against and fewer people organized to care. The first groups that were targeted tended to be more political organizations, leading others to think that they could save themselves by distancing themselves from controversy. But over time, the restrictions spread to humanitarian and service organizations. However, leaders did not shutter all civil society equally, as occurred under Cold War totalitarian regimes—instead, they left supportive media and organizations alone while applying the new laws and regulations to organizations that opposed the agenda of the ruling party. Civic space became contested—open to some ideas and closed to others.

The piecemeal and slow spread of these efforts made it hard to see the whole picture. Eventually, however, it came into focus. These attempts to control the organizational activities of regular people in order to protect the ruling parties' hold on power became known as “closing space for civil society.”³

The effects of closing space have been particularly dire in democracies that elected populist authoritarian leaders who were already eroding democratic guardrails with voter support. If countries elected such leaders but maintained a mostly free press and civil society, they often became more illiberal for a time but could come back from the brink. For instance, although Poland's media landscape was heavily skewed and Brazil's civil society faced violence, both countries were able to mobilize and elect new leaders who could pursue more liberal values

again, even if other damage to democratic structures and the social fabric remained. But in countries where populist authoritarians had popular electoral support *and* media and civil society restrictions were more significant, citizens lost the most core aspect of democracy. In countries such as Hungary, Venezuela, and Türkiye, when leaders tilted the election systems, civil society and media crackdowns prevented groups from organizing enough public outcry to stop them. These former democracies no longer have the ability to alter their leaders by voting.⁴

What's Happening in the United States

Now, the United States is experiencing its own version of closing space for civil society. Like the international experience of closing space, the situation in the United States should not be pigeonholed as just a problem for democracy and human rights organizations. The ability to organize the public to express and pursue shared interests is an essential tool for nearly every area of philanthropic giving. The closing of civic space is already affecting corporations and religious institutions as well as professional nonprofit organizations. As the examples below make clear, closing space is affecting both the right and the left.

When civic space is reduced, all the tools philanthropy, business, and other fields use to influence government and social decisions are strangled.

In the United States today, the closing of civic space is far less advanced than in faltering democracies like India or lost democracies like Hungary.⁵ The problem also takes different forms. Nevertheless, the contours starting to take shape are worryingly familiar. Civil society organizations—including businesses and religious institutions—face an array of tactics that make it harder for them to do their work. The methods of action being used against civil society include the following.⁶

Governmental Regulatory and Legal Powers

- Congressional committee hearings and oversight activities used to impugn organizations as foreign, reduce their legitimacy, and take up their time and resources
- Laws restricting speech or forcing ideological conformity at state-controlled universities and schools
- Broad and vaguely written foreign agent registration regulations being applied to activities previously not considered problematic

- Government lawsuits and investigations executed in bad faith, which take time and money to address while undermining legitimacy and often blocking discussion of the case while they are underway
- New anti-protest laws that carry massive fines or felony convictions or that allow vigilante action against protesters
- Retaliatory actions that punish businesses for taking a stand on public issues or offering products for which there is business demand—such as environmental, social, and governance (ESG) screening on investment funds—including by revoking government contracts, suspending supportive business conditions, or enacting new laws designed to punish
- Internal Revenue Service (IRS) investigations, tax code changes, audits, or asset seizure

Private Legal and Regulatory Harassment

- Private citizens making Freedom of Information Act and public information requests that are so broad and frequent that they undermine the ability of targeted organizations to do their work
- Nuisance lawsuits whose costs range into the millions
- Codes that restrict speech or force ideological conformity within private universities and organizations

Threats and Violence

- Cyber harassment that inflicts trauma on staff and makes work difficult
- Physical threats and violence from online and offline mobs (sometimes combined with state use of force and/or police failure to protect targeted organizations from vigilante threats)

Narrative Attack

- Vilification campaigns that inflict reputational damage, making it harder to raise funds and advance mission-related goals
- Rhetoric that paints innocuous activity as illicit or conspiratorial, dehumanizes people being assisted by or working for a civil society group, or creates a target for vigilantes

Some organizations, such as civil rights advocates and abortion providers, have long faced some of these challenges (and have much to teach others). But obstruction is spreading to new areas. It also has renewed virulence against these long-targeted sectors.

Most importantly, more may be to come. Currently, some of the most alarming signs of closing space are just posturing—such as Senator JD Vance sending a letter to ask the attorney general to examine writer Robert Kagan and demand that the State Department investigate his wife, Under Secretary of State Victoria Nuland, after declaring that Kagan’s *Washington Post* article on the possible harms of a second Donald Trump administration might qualify as insurrection.⁷ Such language from a United States senator degrades norms and normalizes the idea of future actions to come. While Vance’s threat today is empty, former Trump official Kash Patel has warned that a future Trump administration is “going to come after the people in the media . . . criminally or civilly.”⁸ Trump’s long-stated interest in altering libel law to make it easier for public figures to sue for defamation, and the defamation lawsuits he has already brought against the *New York Times* and the Pulitzer Prize Committee, suggest that the threat is not idle even though defamation law is currently not on his side.⁹

The tools being applied to reduce civil society’s range of action in the United States do not always replicate those used to “close space” internationally. But they often rhyme. The similarities are such that it is worth studying what has happened in other, somewhat similar democracies facing this problem, to understand what might yet be attempted in the United States and what strategies have helped. Table 1 offers a comparison of international and U.S. tactics.

Table 1. Sample International and U.S. Tactics Used to Restrict Civil Society Activities

International Tactics	U.S. Activities
<p>Restricting the tools available to influence the public</p>	
<p>Some countries have enacted laws that narrow the space to demonstrate, curtail speech, restrict internet use, or open organizations to charges of defamation for speaking against politicians.</p>	<p>Restrictions on protest</p> <p>Over 200 anti-protest bills have been submitted since 2017. The thirty-eight enacted include:</p> <ul style="list-style-type: none"> Higher penalties and restrictions for protest, with significant discretion, such as up to a year in jail for protesters who block sidewalks in Arkansas, Iowa, and Tennessee; expanded scope for criminal trespass in North Dakota and Oklahoma; criminal penalties for disturbing government meetings in Oklahoma and Utah and for protesting on state property in Mississippi and Tennessee; expanded civil liability for protesters and their funders in Alabama, Florida, and South Dakota; new penalties for protesters who block traffic in Arkansas, Missouri, Oklahoma, Tennessee, and Texas; and heightened penalties for protesting near pipelines in seventeen states.¹² Allowing vigilante action to intimidate protesters by providing civil immunity for drivers who drive into protesters in Florida, Iowa, and Oklahoma, and in Oklahoma, criminal immunity for drivers who unintentionally injure or kill protesters “fleeing from a riot.”¹³ Since the 2017 Unite the Right rally, after which these laws began promulgating, drivers have rammed cars into protesters over 150 times.¹⁴
<p>For instance, in Poland, the ruling Law and Justice party purged the public broadcaster’s independent editorial team and turned it into a propaganda arm. The Polish legislature also passed a bill to prevent companies from outside the European Economic Area from holding a majority of shares in Polish media. Critics said the law targeted the only other major media in Poland, TVN, a large network owned by the U.S.-based Warner Bros. Discovery group. Amid controversy, the bill was vetoed by President Andrzej Duda. However, TVN claimed its broadcasting license was then delayed by regulators.¹⁰</p>	<p>Restrictions on speech</p> <p>These restrictions come from the right and left, from private and governmental sources. For instance:</p> <ul style="list-style-type: none"> California requires all community college professors to incorporate the state-mandated view on diversity, equity, and inclusion (DEI) into their classes and have their performance and tenure reviews based in part on how well they pass this ideological test.¹⁵ Florida has barred its state university system from using state dollars to fund any activity concerning “diversity, equity and inclusion” or “political or social activism,” with both terms broadly defined. It also prohibits general education courses with curriculum “that teaches identity politics . . . or is based on theories that systematic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.”¹⁶ Gag-order bills have been introduced in thirty-six states against teachers who discuss controversial topics, with penalties that include heavy fines, loss of state funding, and criminal charges against teachers.¹⁷ Multiple states have passed laws using amorphous language to ban teachers from anything but “impartial” discussions of history. In practice, these vaguely worded rules inhibit a broad range of teaching.¹⁸ Idaho law bans state-funded entities from “promoting” abortion; a cross-stitch art exhibit and documentaries in which women shared their abortion experiences were removed from Lewis-Clark State College.¹⁹ As previously mentioned, Vance called for a Department of Justice investigation into Kagan and a State Department inquiry against his wife Nuland after Kagan wrote in the <i>Washington Post</i> on potential negative outcomes of Trump winning the 2024 presidential election.²⁰
<p>In 2018, Hungary passed legislation dubbed the “Stop Soros” law through parliament. The law criminalized “promoting and supporting illegal migration.” The broad wording meant the government could arrest someone who provides any assistance—including offering food or water—to undocumented migrants.¹¹</p>	

International Tactics

Restricting the tools available to influence the public continued.

U.S. Activities

- Trump has spoken multiple times about his desire to make it easier for public figures to sue for libel after feeling denigrated by various public writings. While libel law is state-based, it is guided by the 1964 Supreme Court decision *New York Times Co. v. Sullivan*, which makes it particularly hard for public figures to sue for libel. Supreme Court Justice Clarence Thomas has expressed interest in altering this ruling.²¹ As mentioned earlier, Trump has sued the *New York Times* and the Pulitzer Prize Committee for defamation. Because Trump brought that case in the jurisdiction of a Florida court with a potentially friendly appeals court, it will likely take time and resources from the committee, even though it is likely to fail eventually.²²

Restrictions on boycotts

Twenty-seven states have mandated that only companies that pledge not to boycott Israel are eligible for state investment or contracting.²³ After an Arkansas paper lost a state advertising contract for refusing to sign such a pledge, the Eighth Circuit Court of Appeals ruled that economic boycotts are not protected under the First Amendment, because they are not speech or expressive conduct, and that states therefore have the right to act against boycotts as part of their ability to regulate state commerce.²⁴ The Supreme Court has opted not to review the case, leaving in place a ruling that has broad applicability beyond the case in question.

Restrictions on business activity in the social arena

Businesses have been targeted by retaliatory legislation for strategic business decisions and for taking public stands in alignment with their employees. For instance:

- Multiple states have passed laws banning banks that offer products with ESG investment screening from receiving state contracts. West Virginia and Texas banned investment companies that offered customers ESG-screened funds from doing business with their state governments. Over a dozen other states have also enacted anti-ESG screening laws, including Alabama, Idaho, Indiana, New Hampshire, and North Carolina.²⁵
- Kentucky's attorney general led a multistate investigation into financial institutions' ESG practices, which the attorney general claimed violated consumer protection and antitrust laws.²⁶
- In Florida, the Disney Corporation's decision to speak against a bill barring gender discussions in schools led to a series of retaliatory efforts directed by Governor Ron DeSantis, which included stripping the company's special tax status and threatening to build a state prison next to its theme park.²⁷
- The Georgia General Assembly (but not the state senate) voted to strip Delta Airlines of a \$35 million jet fuel benefit following the Delta CEO's negative comments on Georgia's newly restrictive voter legislation.²⁸
- U.S. Senator Mitch McConnell threatened corporations such as Coca-Cola and Major League Baseball with "serious consequences" if they continued to speak against Georgia's voter legislation.²⁹
- Trump tried to organize a boycott of Major League Baseball after it removed an all-star game from Atlanta to protest Georgia's new voting laws.³⁰ He similarly tried to organize a boycott against Major League Football for supporting players who wished to demonstrate their concern about racial justice by kneeling during the national anthem.³¹
- Florida blocked businesses from undertaking any workplace training involving a broad set of standard DEI provisions.³²

International Tactics

Restricting the tools available to influence the public continued.

Government regulatory and legal harassment

This can include using legal and administrative regulations, tax laws, or invasive auditing to take time away from nongovernmental organizations (NGOs) and to act in a highly intrusive manner that impinges on their ability to do their work.

This tactic includes securitizing civil society space by marking it as an arena of foreign threat or putting security agencies rather than civil portions of the government in charge. For instance, Hungary passed a new “sovereignty law” in advance of the 2024 European parliamentary election that both announced the government’s intention to create a special agency to monitor foreign political interference and banned foreign funding of political parties with penalties up to three years in prison. These legitimate concerns mask a broadly written law that offers the ruling party and the Secret Service vast powers to accuse and investigate any groups or individuals that influence public debate and may have had foreign training or contact for any part of their work. Ten independent news outlets claim that the Hungarian government has already falsely accused them of “serving foreign interests.”³⁹

U.S. Activities

- California forced publicly held businesses headquartered in the state to include a quota of state-determined minorities on their boards or face six-figure fines.³³
- Politicians in San Antonio and Buffalo blocked franchise owners for Chick-fil-A from their airports because of the company’s conservative views.³⁴
- California’s Governor Gavin Newsom withdrew the renewal of a multimillion-dollar contract with Walgreens after the pharmacy said it would not distribute abortion pills in twenty-one Republican-controlled states. A federal law requiring that Medicaid patients can fill prescriptions from any qualified provider forced Newsom to back down.³⁵
- Following the shooting at Marjory Stoneman Douglas High School, then New York State Department of Financial Services superintendent Maria Vullo sent a letter to companies urging them to consider the “reputational risks” of continuing to do business with the National Rifle Association.³⁶ In the context of the agency’s oversight and regulatory role over financial institutions, the letter could be read as a threat of future government action against such businesses, an issue that is now under consideration at the Supreme Court.³⁷

Restrictions on particular activities

Georgia passed a law in 2021 banning the provision of money, gifts, food, or drink to people standing in line to vote. Montana’s Democratic governor passed a similar law in 2015. (An old law in New York state entails a similar ban for items costing more than \$1.)³⁸

The chair of the House Judiciary Committee, Jim Jordan, subpoenaed the nonprofits Glasgow Financial Alliance for Net Zero and As You Sow for conspiracy to advance a radical leftist agenda for their ESG investing.⁴⁰

Jordan held hostile hearings, requested massive amounts of information, and subpoenaed researchers as well as the students of researchers who worked on foreign infiltration of elections and political misinformation. The committee has also sent record requests to recipients of National Science Foundation grants who work to mitigate misinformation.⁴¹

The Foreign Agents Registration Act (FARA), long under-applied to actual lobbyists working to affect U.S. government policy on behalf of foreign governments, has seen a resurgence of application to a broad set of organizations whose work would previously not have been considered problematic. While its greater prominence has been legitimized by Russian interference in the 2016 election, it is being applied largely to environmental organizations.

- The House Committee on Natural Resources held investigations in 2018 and 2023 of the League of Conservation Voters, the Natural Resources Defense Council, and other environmental nonprofits for failing to register under FARA.⁴² The same committee used its broad ambit and the ambiguous language of FARA to subpoena a number of environmental groups over foreign funding of their environmental efforts, even though most such funding comes from allied nations in Europe.⁴³
- Multiple senators—who serve as, among others, the ranking member of the Senate Committee on Commerce, Science, and Technology and chair of the House Oversight Committee—have asked the Department of Justice to investigate a series of environmental organizations, such as the Natural Resources Defense Council and the Rocky Mountain Institute, for ties to the Chinese Communist Party because of a single grant received from a Chinese entity or work done to mitigate environmental harm within China.⁴⁴

- The Department of Justice required the National Wildlife Federation to register as a foreign agent because of a Norwegian grant to work on deforestation in Brazil.⁴⁵ While FARA's rules have not yet been applied to many organizations in this way, the broad language of the act and this interpretation means that many organizations are in violation without yet knowing it and are vulnerable to penalties in the future.

Texas Governor Greg Abbott asked the state's attorney general to investigate whether nonprofits were assisting illegal border crossings and sent a letter to the national headquarters of Catholic Charities in Virginia warning them of the investigation.⁴⁶

Laws applied in the first year of the coronavirus pandemic to restrict public gatherings shut down religious services in many states long after stores and bars were allowed to operate at full or reduced capacity. In California's Santa Clara County, one church was fined over a million dollars for holding services in violation of public health orders, and it countersued the county for using invasive and warrantless surveillance to enforce public health orders.⁴⁷ (This unfair singling out of religious institutions was reversed in 2020 by the Supreme Court, which ruled that coronavirus restrictions in the state of New York "singled out houses of worship for especially harsh treatment" compared to secular establishments and violated the First Amendment's protections for the free exercise of religion. In another case, the Supreme Court ruled that coronavirus-related restrictions on worship services in Colorado and New Jersey violated religious liberties.)⁴⁸

Attempts to undermine legitimacy

These efforts have taken four main tacks: accusing organizations or individuals of financial or sexual improprieties; denigrating groups for being elite, foreign, or influenced by targeted minority groups such as Jews; forcing organizations to register as foreign agents or declare they are foreign agents at the start of events or publications; or describing organizations advocating for various causes as serving colonialism or dubious interests and plots in order to separate such organizations from the broader public.

These laws have spread to many countries. The trend began with a Russian law from 2015 that banned foreign or international NGOs deemed to be risks to "state security," "national defense," or the constitutional order. Any Russian groups that maintain ties with the banned foreign or international NGOs can be fined or jailed. Organizations and individuals designated as foreign agents have to identify themselves as such in social media and other publications. The law was initially used against democracy and human rights groups, but it has been updated to include anyone who is declared to be under foreign influence and has been applied to some of Russia's leading writers and other artists who have criticized the war in Ukraine. Any person or organization who aids a "foreign agent" may also be fined.⁴⁹

In addition to the previously mentioned use of FARA for regulatory harassment, FARA is also being used to undermine legitimacy. For example, after the House Natural Resources Committee subpoenaed a number of environmental organizations for possible violations of the act due to their work in China, the committee created an image on its homepage superimposing the National Resources Defense Council acronym over a map of China, a hammer and sickle, and a photo of Chinese Communist Party leaders.⁵⁰

Representative Liz Cheney asked the Department of Justice to investigate the National Resource Defense Council, the Sierra Club, and other environmental organizations for possible Chinese or Russian influence in 2020.⁵¹

The Senate Committee on Commerce, Science, and Transportation and the House Committee on Oversight and Accountability have conducted investigations into environmental nonprofits' ties to China and their "collusion with the [Joe] Biden administration to drive radical environmental policy that negatively impacts the American people and the country's economy."⁵²

Vilifying language and narratives are being crafted, such as the repeated accusation that various people and organizations are "groomers" for pedophilia if they support LGBTQ rights.⁵³ For instance, Fox News host Laura Ingraham accused Disney of creating "propaganda for grooming" after it denounced Florida's Parental Rights in Education Act, and Donald Trump Jr. shared a post on Instagram that accused Disney of being "groomers."⁵⁴ DeSantis's press secretary tweeted that "if you are against the [Parental Rights in Education Act], you are probably a groomer or at least you don't denounce the grooming of 4-8 year old children."⁵⁵

Another common trope used to demonize groups internationally and in America is connecting people to philanthropist George Soros and the Soros organization (Open Society Foundations)—names that have become stand-in language for elite liberals, conspiracies, and Jews. Thus X (formerly Twitter) CEO Elon Musk wrote on X, "The Soros organization appears to want nothing less than the destruction of western civilization," in September 2023.⁵⁶ In a 2018 tweet, Trump called those protesting against Brett Kavanaugh's nomination to the Supreme Court "paid professionals only looking to make Senators look bad . . . paid for by Soros and others."⁵⁷ And Representative Marjorie Taylor Greene claimed that David Hogg, an anti-gun organizer who survived the school shooting in Parkland, Florida, was a "false flag" who was paid by Soros.⁵⁸

International Tactics

Physical harassment by the government

This can take the form of arrests, threats, interrogations by security services, or confiscation of computers and phones.

For instance, after a series of large anti-government protests in Poland, women's rights and LGBTQ organizations faced police raids, the search and seizure of computers, and arrests.⁵⁹

In India, BBC offices in Delhi and Mumbai were raided by officials as part of a tax evasion investigation weeks after the BBC released a documentary, which was banned in India, that was critical of Prime Minister Narendra Modi. Tax department officials seized several journalists' phones, documents, and financial records.⁶⁰

Failure to punish vigilantes or use of violent or threatening rhetoric that leaves organizations or individuals feeling vulnerable and open to physical attack by vigilantes

For instance, in the first half of 2021, Reporters Without Borders recorded 331 government attacks on the media in Brazil, 293 of which were made directly by then president Jair Bolsonaro and his sons.⁶⁴

In Poland, Paweł Adamowicz, the mayor of Gdańsk and a critic of the then ruling Law and Justice party, was repeatedly targeted by party-controlled media for his openness to immigration and LGBTQ rights; his financial affairs were also criticized. He was stabbed to death while speaking at a public event in January 2019.⁶⁵

U.S. Activities

In 2020, reporters faced a massive spike in arrests while covering protests. More than one hundred journalists were arrested while reporting on protests in 2020 and more than fifty were arrested in 2021. The numbers declined in 2022 (as did protests themselves), but local incidents continue to occur that indicate a change in norms on harassment of the press—such as a police raid on the sole newspaper in Marion, Kansas, which resulted in the confiscation of computers, cell phones, and other reporting materials.⁶¹

Some local officials seem to feel that they have societal permission to use extralegal violence of the sort last seen in the United States during the civil rights era.

- In Nevada, a local official was arrested for the murder of a *Las Vegas Review-Journal* investigative reporter working on a story on corruption.
- A sheriff and other county officials in Oklahoma were recorded discussing how to murder a family of local journalists and lamenting the illegality of lynching.⁶²
- The “pattern of harassment, intimidation and assault on journalists” has caused the United States to fall in the World Press Freedom Rankings.⁶³

A nonprofit coalition of technologists and journalists that received a grant from the National Institute of Science for misinformation and disinformation work was targeted for a subpoena by Jordan's Judiciary Committee. The organization's name and the allegation were posted online by Senator Joni Ernst, after which the group faced a storm of online threats.⁶⁶

Individuals and nonprofit organizations—including a children's hospital, journalists, LGBTQ rights organizations, schools, and others who find themselves targets of angry tweets by media personalities such as Fox News host Tucker Carlson or Chaya Raichik (who created the social media accounts known as Libs of TikTok)—can expect to be flooded with online and sometimes offline threats, bomb scares, and harassment that require significant crisis communications and often cybersecurity and physical security assistance.⁶⁷

Militias and armed individuals are appearing at LGBTQ events as well as at schools and school board meetings discussing book bans, LGBTQ rights, and minority issues.⁶⁸

Following a spate of new anti-abortion laws and increasingly virulent rhetoric, many nonprofits and businesses that provide abortions have seen massive increases in already high levels of threats and violence. From 2021 to 2022, for abortion providers, stalking rose 229 percent, burglary rose 231 percent, and arson attacks doubled.⁶⁹

From his candidacy through the end of his presidency, Trump tweeted negatively about journalists over 2,500 times and incited violence against them at his rallies.⁷⁰ Journalists have since faced greater private violence and online harassment than before, peaking in 2020 with 633 assaults of journalists.⁷¹

International Tactics

U.S. Activities

In 2023, Jewish organizations faced an epidemic of swatting incidents, in which a hoax reporting of a crime at a specific address brings armed police to a site at which they expect to confront violence. This increase took place prior to the spike in antisemitic threats and violence that occurred after October 7.⁷² Jewish organizations first witnessed an uptick in hateful rhetoric from the right after 2017 and from the left following Hamas' attack on Israel on October 7, 2023. Threats from the illiberal left and right are now putting Jews at increased risk across a broader geography, spreading from threats at clearly Jewish organizations and synagogues to university campuses.⁷³

Political parties and candidates have been particularly targeted for violence and threats. Swatting, death threats, and online threats have been aimed at leading Democrats, moderate Republican politicians, and Trumpist Republicans such as Greene. They have occurred at the national, state, and even school board levels. Democratic Party offices have been attacked multiple times, and Republican Party offices have also faced vandalism and even firebombs in North Carolina, Oregon, Florida, Nevada, New Mexico, and other states.⁷⁴ Violence is also affecting pro-voter activities; for instance, police in North Carolina pepper-sprayed a "get out the vote" rally, while a driver plowed through a Republican voter registration booth in Florida.⁷⁵ Threats are more common against women and minorities.

Restrictions on forming/maintaining NGOs

In some cases there are overt bans, but often, agencies issue opaque or intentionally vague requirements that force NGOs to operate without legal surety. Such rules allowed India to cancel the registration of over 10,000 NGOs in the first half of 2015, citing minor administrative issues such as failing to file paperwork.

Under former president Barack Obama's administration, the IRS targeted groups based on names such as "Tea Party" and "Patriot" for extra scrutiny in their applications for tax-exempt 501(c)3 and 501(c)4 status. It later emerged that they also targeted groups with "progressive," "occupy," or "green energy" in their names.⁷⁶

The chancellor of the State University System of Florida, working with DeSantis, banned chapters of Students for Justice in Palestine at Florida state universities, citing it as a felony under federal law "to provide material support . . . to designated foreign terrorist organizations."⁷⁷

Restrictions on funding

Funding may be reduced through laws and regulations, such as bans on foreign funding, onerous reporting requirements, or rules that allow only a small percentage of an NGO's funding to come from foreign sources.

For instance, the Modi government tightened India's Foreign Contribution (Regulation) Act in 2020, then used the legislation to launch financial audits and tax-related raids against Amnesty International, Greenpeace, the Ford Foundation, and Oxfam, as well as Indian nonprofit organizations.⁷⁸

Since 2020, twenty states have passed laws prohibiting or limiting private and philanthropic funding to assist elections. These broadly written laws often prohibit receipt of not just grants or private money but also services or "anything of value." Some ban voter education, outreach, or registration efforts, such as those that civic groups like the League of Women Voters have long engaged in. The breadth of the laws' language and the lack of case law has chilled the entire election education sector, as there is no way to know where the precise lines of legality lie.⁷⁹

The National Institutes of Health froze \$150 million in grants intended to help organizations provide accurate medical information because of regulatory and legal threats by members of Congress against the misinformation and disinformation research field.⁸⁰

Vance criticized the tax-exempt status of the Ford Foundation, the Bill and Melinda Gates Foundation, and Harvard University, claiming they were "cancers on American society."⁸¹ Vance also suggested the assets of the Ford Foundation should be seized and redistributed to those "who've had their lives destroyed by the radical open borders agenda."⁸²

Actors, Targets, and Goals

When these tactics used for closing space are directed in parallel or in coordination against a single target, the obstructionary goal of the joint attacks is clear. For instance, researchers at Stanford University, the University of Washington, and elsewhere who study political misinformation and disinformation and foreign infiltration of elections have faced hostile hearings before the House Judiciary Committee. They have also been served with a variety of private lawsuits from right-leaning impact litigation firms, including one led by former White House official Stephen Miller.⁸³ State court rulings have blocked researchers from communicating their findings on disinformation with government officials. Judicial interpretations have slowed and confused efforts that were critical to correcting misinformation spread during the coronavirus pandemic and during the 2020 election, though in the main relevant case, the initial decision was narrowed on appeal.⁸⁴ Meanwhile, online mobs, catalyzed by private organizations and media comments from politicians, have initiated a barrage of public records requests from targeted institutions. This variety of tactics means that a handful of researchers and their institutions now face legal fees approaching seven figures, subpoenas against their students, and record requests that have effectively quelled their actual misinformation and disinformation work. Tired of the hassle, universities are ending or overhauling research programs that would monitor and reduce political disinformation.⁸⁵

In many cases, however, disparate efforts against dispersed targets can make it hard to see the forest for the trees. It is fruitless to seek a conspiratorial hand linking the decision of a local police force to pepper-spray a “get out the vote” rally with various House committees’ requests for the Department of Justice to investigate the Rocky Mountain Institute’s environmental work in China. There is no central command and control.

But while the agents of action and the array of physical threats, legal costs, and reputational damage may be disparate, it is important to connect the dots. Different tactics are being used by different entities, sometimes in coordination and sometimes separately, toward a similar goal.

Illiberal actors are systematically using the forms of power they have at their disposal—governmental, legal, rhetorical, or violent force—to crush the space for public discussion of activities and ideas that do not fit their ideology.

This has occurred to varying degrees in the past. During the long period of Jim Crow in the American South, civil society was not shut down, but it was constrained so that certain activities were banned and certain views were not allowed a hearing. Birmingham, Alabama, for instance, had a flourishing scene of Junior Leagues and Kiwanis Clubs but prohibited interracial dominoes and checkers teams. Mississippi passed a 1920 law abrogating free speech—but only for “printed, typewritten or written matter urging or presenting for public acceptance or general information, arguments or suggestions in favor of social equality or

of intermarriage between whites and Negroes.”⁸⁶ Government and vigilante violence were used to try to impede civil rights organizations. They often worked in tandem and went unpunished. A similarly minded federal Supreme Court ruled that murder—even obviously ideologically motivated murder on the eve of an election—was a state crime over which the federal government lacked jurisdiction.⁸⁷ The Jim Crow system was maintained by the Democratic Party, which functioned as a de facto ruling party across eleven states thanks to restrictive voting laws.

During World War I, the Sedition Act was used to target government critics, particularly union organizers. Noncitizens were deported, while law enforcement raids targeted many peaceful organizations working for greater equality. Later, in the post–World War II McCarthy era, organizations believed to house communist sympathies were pulled into hearings by the House Un-American Activities Committee. Hollywood blacklists led to the self-censoring of the entertainment industry. Judicial decisions became less supportive of free speech and civil liberties.⁸⁸ The Federal Bureau of Investigation surveilled, wiretapped, hounded, and harassed civil rights organizations and other left-leaning groups. Individuals caught in the Red Scare were fired from their jobs and abandoned by friends. Americans dropped their memberships in even mild left-wing groups for fear of being caught in the dragnet. Jews were disproportionately targeted.

Today, once again, illiberal actors wish to reduce freedom of speech, organization, and civic activity so that only a narrower group of opinions and ideas have sway in the political and cultural marketplace. The vast majority of efforts to close space currently come from the illiberal right. But efforts from the illiberal left are also serious. Each of these sides undertakes closing space differently because each side controls different levers of power.

The Illiberal Right

The illiberal extreme right encompasses a variety of belief sets, from nationalist conservatives and Christian nationalists to illiberal populists. They are united in a desire to use the power at their disposal—including governmental power—to eradicate political opponents and organizations that stand against their ideology (and, in the case of Christian nationalists, to institute what they claim to be Christian values in the workings of the U.S. government).⁸⁹

As this fusion of illiberal groups has taken control of portions of the traditional Republican Party, they have gained power over many state governments and some cities and counties. Their ranks are strong in the House of Representatives and also include some senators, allowing them to control a variety of congressional committees. They have gained increasing power within the judiciary, particularly within some federal appeals courts. They have entrenched pockets within law enforcement, such as the Constitutional Sheriffs movement. They do not currently control the presidency and its federal executive agencies but could do so in the future.

This faction is posing an obvious threat to organizations on the left of the political spectrum, such as environmental organizations, minority rights advocates, abortion providers, and groups that pursue women's and LGBTQ rights. While many Christian nationalists express solidarity with Israel, the illiberal right has nevertheless normalized antisemitism as well as discrimination against Muslims and other religious minorities.

This faction's targets extend beyond the left, however, to include objective truth and political enemies that stand between them and power. For instance, misinformation and disinformation researchers stand in the way of both political gains and distortions of truth. Journalists do the same.

But a less obvious group that obstructs this faction's rise to power is the classically liberal right, who may hold quite conservative policy views but do not believe that expanding governmental power or vigilante violence are acceptable means to attain them. Thus, among the illiberal right's early targets were conservatives who believe in the rule of law, liberalism, and empirical truth. As organizations were taken over by the illiberal right, intellectuals who would not toe the line lost their jobs at think tanks and other conservative organizations. Pastors were forced out of their churches and religious leaders such as Russell Moore were toppled from powerful positions for opposing misogyny and racism.⁹⁰ Magazines like the *Weekly Standard* lost their funding for standing against Trump and had to fire their staff. Conservative leaders like Cindy McCain were declared RINOs—Republicans in name only—and were censured, disempowered, and rendered irrelevant.⁹¹ Intellectuals and writers like David French faced unprintable, unrelenting, ugly threats directed at themselves, their children, and other members of their families.⁹² So did a large number of conservative politicians who were targeted by vigilante violence and threats.⁹³

The Illiberal Left

The illiberal left is to the left of the Democratic Party, so it is not a viable vehicle for presidential candidates, does not have enough political representation to control any congressional committees, and wields few levers of power at the state or national level. It controls a few cities, a number of school boards, and some state agencies in California. Its power is concentrated in universities, cultural institutions, and some schools. Thus, it has generally used regulatory and cultural power in these arenas to shut down dissenting ideas, force ideological conformity with its beliefs, and obstruct the activities and speech of individuals and organizations who differ.

Its targets include conservatives, whose numbers have declined in many academic institutions. (Professors are six times more likely to be liberal than conservative, and school administrators are twelve times more likely.)⁹⁴ But it also targets the liberal left, whose organizational activities are obstructed if they do not toe the ideological line.⁹⁵ As with the illiberal right, tactics range from legal-but-harassing behavior that hinders organizational action to violence. Among students at top U.S. colleges, for instance, nearly three-quarters believe it is acceptable to remove the flyers of organizations one disagrees with, half claim

that it is acceptable to block the entrance to a room to prevent others from hearing a speaker, and one in five believe violence is acceptable to stop such speech.⁹⁶ The illiberal left has also used or failed to punish vigilante action against disfavored minorities within the geographies over which it has the most policing power—primarily universities, where Jews have been allowed to be harassed and threatened since the Hamas attack and Gaza war.⁹⁷

In some cases, prodemocracy and classically liberal individuals or organizations may agree with the end goals of illiberal actors. For instance, liberals may have legitimate qualms about who decides what constitutes misinformation and disinformation or about how technology companies will play their self-appointed role as monitors. But their methods are different. While the policy beliefs of classical liberals may lean quite far to the right or left, they are committed to protecting the liberty of individuals to think, worship, speak, and live free from government or societal control. They thus believe that ideas must be fought with ideas, while accepting a vibrant civic space where neither the ruling party in power nor vigilante violence determines whose idea or organization wins.

Meanwhile, illiberal actors on both the left and right are working to restrict the basic values of the Enlightenment: freedom of speech and thought, the rule of law, and objective truth. Republicans and Democrats alike, environmental activists and conservative academics, and protesters and schoolteachers who support these liberal values are finding their ability to speak, work, and organize threatened.

How Closing Civic Space in the United States Differs From Other Countries

As described in table 1, efforts to close civic space in the United States and other countries have involved similar tactics targeting similar groups. Organizations working to build a more inclusive nation are depicted as foreign and threatening. Jews, LGBTQ individuals, and other minorities are painted as outsiders. Journalists face violence. Media organizations and businesses are cowed and forced to display ideological conformity.

But there are five important differences. Though some of these variations are of degree rather than kind, together they give closing space in the United States a different feel than in most other countries.

1. **The national government is not the central actor.**

In other countries, the ruling party plays the main role in closing space. It usually begins by consolidating control over governmental powers. This is easier than it would be in the United States. In parliamentary systems, the prime minister's party also controls the

legislature. In the few countries where a country's executive is elected separately, legislatures tend to be less functional or less powerful than in the United States. Courts are often part of a ministry of justice and therefore fall under executive control even if they maintain elements of independence. State governments may be nonexistent or appointed by the national party, or they may have many fewer powers than they control in the United States. Policing agencies are often run by the national government.

Thus, closing space begins at the center, with the executive leader at the national level first consolidating control of the legislature, courts, and local governments, then using these powers of the state to bully media, businesses, and nonprofits. This structure of repression is at its most blatant in countries that have become fully undemocratic, such as Russia and Venezuela. In places like Hungary and Türkiye, opposition forces have managed to hold onto the mayoralty of a major city here and there.

In the United States, there is not, and could never be, a single national ruling party. America's depth of federalism, the power of its states, and the degree of separation of powers is unique even among other federal systems like India's. Congress is no parliamentary rubber-stamp body—the opposing party frequently holds one or both chambers and blocks presidential priorities. U.S. states retain significant powers that the federal government cannot easily overturn, and geographic sorting of the electorate ensures that for the foreseeable future, different parties will exercise significant control over different states. Some policing power operates at the federal and state levels, but most governmental use of force is under the control of around 18,000 localities. Public education is fiercely controlled by about 13,000 local school boards. Courts are also much more independent.

As in other countries, control of the presidency and its executive agencies would allow for much greater interference with civil society. But unlike in other countries, it is not essential. The hardening of states into single-party units means that it is possible for closing space to take place at the state level even if the federal government wishes to keep civil society more open. With governmental power more fragmented, it is possible for one party to obstruct civil society even if it does not control the presidency, using a mélange of other government powers, such as some state governments, some congressional committees, and a few courts of appeal.

2. The closing of space is coming from both ideological sides, but it is lopsided.

In most countries, efforts to close space emanate from a single ideological direction. But in the United States, there are dueling illiberal actors that are fueling one another. Each of them is vying for different powers and forms of control.

As discussed earlier, efforts to close space are asymmetrical. The illiberal right is making a strong bid to gain control over the Republican Party. Its success would give it even greater governmental powers. In twenty-three states, Republicans hold the governorship,

the attorney general's office, majorities in both chambers of the state legislature, and the secretary of state's office. While most states have nominally independent state supreme courts and many judges make decisions independent of their political preferences, in nine of these states (including Texas, Florida, and Ohio) the Republican Party has also nominated the majority of state supreme court justices. Not all Republicans belong to the illiberal faction of the right—but as this faction gains power over the party, it gains control over key arenas of government.

In seventeen states, Democrats hold the same constellation of state offices, and in New Mexico and Illinois, Democrats have also appointed the majority of the state supreme court. But the illiberal left has not made much headway within the Democratic Party. Thus, same-party government does not entail allowing illiberal forces free rein; in New Mexico, for example, there are anti-abortion and pro-gun Democrats in the state legislature, and when the Democratic governor attempted to use a public health emergency to enforce a broad gun ban, the Democratic attorney general refused to support her administration in court.⁹⁸ Nevertheless, illiberal left and right power in different states could work to close space in opposite ideological directions, as demonstrated by the clashing DEI mandates in California and Florida.

The illiberal right has amassed vastly greater power within multiple parts of the government. Thus, while there have been some left-on-right governmental actions that appear to be closing space—such as the extra IRS tax scrutiny of conservative groups or the stringency of coronavirus closures on religious institutions—these have generally been overturned by other portions of government. Meanwhile, right-on-left and right-on-right government attacks have had more staying power.

Yet the illiberal left's cultural power is real. It is dangerous not only for the harm it does directly, but also for the role it is playing in fueling the illiberal right.⁹⁹ Many conservatives are angry because they believe that they or their children must conceal divergent beliefs and censor their speech to obtain essential qualifications, such as a degree from a top college. They feel disgust at the hypocrisy of the illiberal left's claims of inclusivity when they feel its success in closing space against disfavored groups and ideas. These reactions play a vital role in pushing conservatives toward the illiberal right.¹⁰⁰

3. Private actors play a larger role.

The illiberal left has exerted most of its power through universities and cultural institutions. The illiberal right also uses private actors to close space, although they more often work alongside the portions of government over which the illiberal right has attained control.

This significant role for private actors in the United States differs from other countries, where the vast majority of activities to close space come from ruling parties gaining control over the government and using the preponderant power of state agencies, courts, legislators, and police to squeeze civic actors.

How does one distinguish activities that are the normal workings of private actors duking it out in the marketplace of ideas from illiberal efforts to close space for dissenting beliefs and organizations? After all, impact litigation has been used for nearly a century to force private and public organizations to alter their ways. Boycotts brought by one private group against another are a time-honored tradition. If businesses are allowed to enforce speech codes on employees, why not universities? At what point does normal private action begin to cross the line into closing space for civil society?

First, private action most clearly serves to close space when it works in parallel with governmental decisions that are closing space—such as Miller’s law firm launching lawsuits against the same researchers that were subpoenaed by a senator connected to Trump.

Second, private actors can be viewed as closing space when one set of citizens with vastly greater economic or political power within its sphere of influence, particularly near-monopoly power, wield that power to stop the voices of others with far less. This pressure may entail a mixture of threats and concrete penalties, alongside social pressure to conform or be ostracized.¹⁰¹ Such is the case in top private universities, where private actors enforce their own speech codes with the support of committees that can fire even tenured professors and prosecute students without due process.¹⁰²

Finally, private actors may be accused of closing space if they use violence and threats to achieve their goals, particularly when such violence goes unpunished by the relevant governing power. For instance, many businesses have been targeted for boycotts based on their corporate support for particular candidates or causes. Such boycotts are an established tool of citizen protest. But Target was forced to move gay pride merchandise displays and remove items from sale because of a coordinated campaign of threats and violence against its stores.¹⁰³

Consider the activities of White citizens’ councils across the South in the 1950s, which combined these first three criteria. These private organizations, generally composed of the most respected business leaders in the city, would deny insurance and refuse to rent or sell property to businesses that supported civil rights, driving them out of business or out of town. In some states, citizens’ councils acted alone to restrict the rights of other businesses and organizations. In other places, such as Mississippi, the citizens’ councils received funding from the state. And in all cases, when vigilante violence followed citizens’ council boycotts, governments failed to prosecute the perpetrators or protect the victims.¹⁰⁴ In twenty-first-century America, Musk—the world’s richest individual—is suing Media Matters and the Center for Countering Digital Hate for their research showing how X places major company advertising next to white nationalist content.¹⁰⁵ At the same time, Texas Attorney General Ken Paxton opened an investigation into Media Matters for “fraudulently manipul[at]ing data” on X.¹⁰⁶

4. Business is a major target.

Businesses are part of civic space, and in countries like Hungary and India they have been forced to toe the ideological line of the ruling party or risk regulatory harassment, forced sale, reputational harm, and other business repercussions. Yet the degree to which individual corporations have been in the crosshairs of closing space in the United States is still striking compared to most other countries.

In the United States, targeting business serves similar ends as restricting foreign funding serves abroad. In most postcommunist and developing countries, the majority of funds for civil society activities came from overseas prior to such restrictions. Choking foreign funding therefore serves to both reduce the resources available to civil society and delegitimize the entire sector by painting it as a tool of foreigners. Corporations have deep pockets, significant organizing power, and political clout. At the same time, big business has lost the trust of the population, making it an easy target.¹⁰⁷ Browbeating the business sector is a useful means for reducing the voice and clout of a very powerful and economically strong, but easily delegitimized, group of actors. Demonizing and penalizing them for supporting democracy, minorities, or social causes thus cuts off a source of funding and power that threatens the illiberal right, while delegitimizing these issue areas as elite and “woke.”

5. Private violence is a significant tactic.

In other countries, national governments have many tools of forceful repression at their disposal to close space for civil society, although private violence sometimes plays a supporting role, especially in the Americas.¹⁰⁸ Colombia has long been the deadliest country for union organizers, who are often targeted by political vitriol and whose killers frequently go unpunished.¹⁰⁹ Environmental activists—particularly Indigenous activists—have been disproportionately murdered in Central America, with governments ignoring and in some cases potentially perpetrating the murders themselves.¹¹⁰ In India, political vitriol has encouraged Hindu nationalist mobs to launch pogroms and lynch Muslims with little to no government action against the murderers.¹¹¹

But America’s more decentralized power structure, stronger role for private actors, and bidirectional illiberalism means that while many people in the United States have some power to close space, most lack policing power or the ability to use government force. Private violence provides a substitute for state violence among such actors. It is also a useful tool for political leaders who may have the ability to deploy government force but do not desire the reputational damage they would attract for its use.¹¹²

This is why stochastic terrorism has become such a significant tactic for operationalizing closing space in the United States. Stochastic terrorism—a term that invokes the calculation of probabilities—occurs when a popular political or media figure villainizes an organization, minority group, or individual, with the expectation that among their

many followers, there are almost certainly some who are more disinhibited and who will threaten or attack the desired target. The number of people in the United States and the volume of armaments in private hands makes this form of threat potent, credible, and deadly. And it can be wielded by television personalities and TikTok influencers, even if they lack governmental power.

What to Expect for the Future

Illiberal forces are using the power they have amassed to shut down opposing ideas. If they gain greater power, the United States is likely to see more activities to close space. Thus, it is important to push back early on.

Globally, the early targets of closing space tend to be minority groups and less powerful organizations. In many African countries, LGBTQ communities were targeted early. In Mexico, solo journalists covering corruption in small towns were more at risk than those working for big city papers. The rights of less-powerful communities matter in and of themselves. They also serve as canaries in the coal mine, signaling what the majority will allow. Failure to act in these cases thus enables repression to spread. In India, for instance, powerful nonprofits felt safe for years because harassment was targeted at less powerful groups, such as smaller nonprofits in minor cities. But eventually, harassment and government closure threatened powerful establishment organizations such as think tanks in the capital as well.

In the United States, organizations that serve women's health, LGBTQ rights, and racial justice have been early targets. But large and powerful institutions have also been in the crosshairs—such as the Stanford misinformation and disinformation researchers and some of the biggest and most centrist environmental groups in the country. Therefore, it requires no imagination to say that targets could move from more political or controversial groups, minority groups, and less powerful actors to mainstream and powerful entities that support the same goals.

As this occurs, governmental repression and private harassment is likely to move upstream, expanding its targets from the organizations doing the targeted activity to their funders and supporters. U.S. public universities are already starting to see government funding and speech restrictions constraining their room for maneuver.¹¹³ U.S. philanthropists are likely to experience closing space themselves. Philanthropists should expect to see tighter rules on foundation giving, challenges to their own tax status, and other regulatory means used against them. Much of the pressure on philanthropy is likely to come from the illiberal right, given the international trajectory of closing space and U.S. philanthropy's recent veer toward supporting a sharper left-leaning agenda.¹¹⁴ Vance has spoken on Fox News about wanting to tighten tax regulations for the Ford Foundation, the Bill and Melinda Gates Foundation,

and Harvard's university endowment.¹¹⁵ Alabama, Florida, and South Dakota have already passed laws increasing civil liability for the funders of illegal protests.¹¹⁶ However, some pressure is also likely to come from the illiberal left. An editor from the left-leaning magazine *Dissent* has spent years calling for wholesale changes to philanthropic law, including much greater IRS scrutiny for "big philanthropy" and legal requirements for racial and gender quotas for philanthropic boards such as California has imposed on businesses.¹¹⁷ As discussed before, the illiberal right holds more governmental power to enact these changes. But California is the state that occasionally enacts laws from the illiberal left, and it is where many philanthropies are headquartered.

Both the illiberal right and the illiberal left are likely to increasingly target people on their own side—who may hold quite similar policy goals but who are not willing to use illiberal or antidemocratic means to achieve them—because it serves a strategic purpose. By emptying the middle and enlarging the chasm between the two sides, greater polarization forces moderates to choose. As the choice becomes more stark, people are more willing to accept illiberal methods to achieve ends that are closer to their own, because the other side seems so noxious and threatening.¹¹⁸ Thus, members of a more polarized public will accept more illiberal action from their own sides to stop similar actions from being undertaken by their opponents, creating a flywheel effect.

These dynamics of polarization and illiberality are likely to increase political violence. In addition, violence is likely to grow because of the unwillingness of the illiberal right and left to protect disfavored groups in jurisdictions under their control. When the government fails to protect people from violent individuals, it prompts a predictable series of events. Those groups that feel least protected decide they cannot rely on their government for security and try to protect themselves. That leads to a growth in private armaments, such as the spike in gun sales America saw from 2020 to 2022, when one-fifth of U.S. households purchased a gun (including much larger percentages than in the past of women and people of color who became first-time gun buyers).¹¹⁹ People who purchased a gun after 2020 are much more willing to claim that they would engage in violence to accomplish a political objective—particularly those who say they always or nearly always carry that gun with them.¹²⁰

Meanwhile, the failure of the government to offer protection and governmental use of excess force against more disadvantaged and targeted communities leads those communities to hire private security firms if they can afford them, but more often, they arm community groups or even support gangs and criminal groups who proclaim their willingness to protect the community. This pattern of self-help in the face of a distrusted government occurs all over the world. And in every country, these attempts at private protection create vastly greater violence within the communities themselves. Friendly armed militias and criminal groups that have offered their help eventually become self-interested and turn on the people they offered to safeguard. Young men with guns fail to police themselves and fall into fighting. Skirmishes between armed actors, and between armed defensive groups and the government, create a pretext for further police crackdowns, leading to greater violence from the government.¹²¹

Elements of an Effective Response

The United States is still in the early stages of closing space, and this trajectory is not inevitable. It can learn from what has occurred in other countries.

When philanthropists first faced challenges to their grantees overseas, they viewed the attacks as disparate and disconnected. Many tried to address issues individually and quietly. Organizations sometimes thought they could quietly cut off more controversial grantees or shut down targeted parts of their portfolios to salvage the rest. They would reduce future work that governments might deem to be sensitive or refocus on service delivery rather than advocacy. Philanthropists and organizations that had not yet been caught in the closing of space undertook more risk analysis. They self-censored to avoid future problems. And they distanced themselves from disparaged organizations and more vocal donors in the hope they could remain below the radar. Many adopted the strategy advocated in the joke about hunters—one need not outrun the bear, just the other fellow being chased.

These tactics failed. Threats proved to be opportunistic and unpredictable, moving from sector to sector where politicians felt they could gain traction. Humanitarian groups like Mercy Corps and Save the Children, whose work did not touch politics or advocacy, found themselves facing the same burdens as democracy and human rights groups. Problems that initially affected grantees soon moved upstream to target leading-edge philanthropists like Soros—but distancing from Open Society Foundations did not help. Instead, the challenge spread to the broader philanthropic field, forcing donors out of some countries altogether.

For far too long, philanthropists did not share with each other the problems they were facing. They worried about sharing specifics of grants, concerned that doing so might reduce their ability to solve particular problems or fearing that if they disclosed too much, they would find themselves isolated and shunned by their peers. This hesitance allowed the field to underestimate the scope of the problem for years and to assume that the pushback was limited to a few particularly controversial organizations or issues. This failure of understanding prevented philanthropists from developing more systematic responses until the problem had grown enormously.

Eventually, some philanthropists helped their grantees develop tools to protect themselves. This work entailed assisting grantees with:

1. **Technological protection**, such as enhancing their cybersecurity with technical tools and training in how to use them, creating secure communication methods, and storing data offshore
2. **Physical security**, including programs that trained activists in how to mitigate physical risks, created early warning systems, and whisked threatened individuals to safety or relocated their organizations to more secure locales

3. **Legal assistance**, some of it crowdsourced through groups like movements.org
4. **Communications help**, using joint advocacy to push back against the negative narratives promulgated by illiberal forces
5. **Creating secure, real and virtual meeting places** to foster learning across different sectors, improve information-sharing, and enable more coordinated responses; gathering such learning into documents such as the Defending Civil Society Toolkit

Donors also **created funding pools to support this emergency assistance**, such as the Lifeline Embattled Civil Society Organizations Assistance Fund, a pooled fund supported by U.S. and European governments and implemented by a group of civil society actors in safe countries.

And they formed philanthropic working groups to improve their sharing of information and their ability to coordinate responses.¹²²

Philanthropists should not wait for the problem to grow to the proportions it has overseas before they field a systematic response, which could follow the lines already devised internationally. Organizations should be provided with access to multiple forms of help, ideally under a connected roof, including:

1. **Cybersecurity assistance**, such as preventative advice, funds for services that help delete information from the internet, and emergency response after a threat or breach
2. **Physical security training**, advice, and emergency response
3. **Legal counsel** on retainer or pre-vetted who are familiar with state law, while also understanding how similar organizations are being targeted across states
4. **Crisis communications** assistance that can strategically connect similar cases and forge a common, successful narrative for the field and for targeted organizations
5. **Places where information can be shared** in a fashion that is secure from cyber attack and hostile governmental or legal discovery, which can provide a sense of community and trauma support
6. **A pooled fund** that can support the infrastructure to enable these efforts, as well as grant funds that allow grantees to access these services through membership fees and/or access other security measures they feel are necessary

Different entities are likely to provide these services, but they would be easiest for organizations to access if a single chapeau organization served to bring them together under a structure that allowed it to extend these retained firms' services to others. That umbrella

organization might best be organized as an LLC rather than a nonprofit—an alteration found to offer greater protection internationally. A pooled donor fund would allow philanthropists to support this entity directly. Top-up funding for existing grantees for assistance navigating closing space could also give grantees the funds to pay for these services directly, perhaps through sliding-scale membership fees.

The Use of Narrative and Moral Ambiguity to Advance Closing Space—and How to Fight Back

These focused security efforts will be more successful if they are couched within a broader perimeter of defense. The canny use of narrative and moral ambiguity plays a crucial role in enabling illiberal forces to close space for civil society, and countering this zeitgeist is an important part of the defense of civic space.

Illiberal actors choose issues involving unpopular groups and cases with the most morally murky facts to create a permission structure that allows them to shut down a much broader set of activities. For instance, violent anarchists and communists really were involved in labor activism at the turn of the twentieth century, justifying anti-sedition laws in the eyes of many Americans. During the Cold War, a number of U.S. organizations really were witting or unwitting communist fronts. A victim of the Red Scare, my own grandfather, an aeronautical engineer, lost his security clearance and found all possible employers shut against him. He was forced to work as a shoe salesman in his brother's shop. The persecution and social ostracism was painful for a man who had dedicated his life to creating lifesaving equipment. But he really had been contacted by a Soviet spy trying to pry sensitive military information out of him. Although he refused, a very public trial pitted one word against another.¹²³ Then, as now, many individual cases of closing space involve shades of grey the more closely one looks.

Those attempting to close space globally pick off organizations and issues one by one, and by choosing instances of genuine ambiguity, they gain societal permission to enact legislation or undertake activities that have a much broader effect on civil society as a whole. For instance:

- Rules to shut down protest seem wrong in the abstract—but environmental protesters caused the greatest number of violent domestic terrorist incidents in the 1990s, causing significant property damage if not harm to people. Do governments have the right to protect critical infrastructure such as oil from disruption?¹²⁴

- Among the groups that received extra scrutiny by the IRS was True the Vote—one of the sponsoring organizations of the January 6 rally and subsequent insurrection in Washington, DC, whose national bus tour rallied people to the capital with violent, warlike rhetoric.¹²⁵ The Anti-Defamation League challenged the 501(c)3 status of extremist organizations such as the Oath Keepers militia, whose leader was found by the Department of Justice to be guilty of seditious conspiracy.¹²⁶ Do organizations like these deserve favored tax status?
- Pro-Palestinian rallies and forums have used violent rhetoric and sometimes threatening behavior, creating unwelcoming and sometimes unsafe spaces for Jewish students on some campuses.¹²⁷ Is banning or doxing these groups and their leaders justified? (Muslims are also facing increased violence in the United States—but this is not primarily an on-campus phenomenon of closing space, in which violence is being used to silence an undesirable perspective and is being tolerated by authorities. It is the long-standing problem of hate crimes against targeted groups that has risen precipitously in recent years, a problem I discuss in many other publications. Hate crimes are sometimes tolerated by authorities and sometimes prosecuted. When they are not prosecuted in a systemic way, they do constitute closing space. In the case of recent violence against Muslims, multiple states prosecuted these incidents as hate crimes, so they are not a good example of closing space.)¹²⁸
- Meta CEO Mark Zuckerberg’s donation of hundreds of millions of dollars to election support nonprofits in 2020 was crucial to allowing elections to take place during a pandemic.¹²⁹ But giving a private actor so much sway in a basic portion of the U.S. democratic system certainly feels uncomfortable. Should states be able to bar private actors from giving in ways that affect election administration?

Each of these concerns has merit. If organizations want to defend civic space, they need to consider how to respond to such considerations. They must also understand how less-popular causes and cases of legal and moral ambiguity are exploited and used to create a permission structure that allows for broader actions to close public space.

In addition to making use of moral grey areas, illiberal actors like to pick issues where civil society is working for causes that lack wide public acceptance, such as trans rights. These cases are then used to distance mainstream society from the workings of a much broader range of civil society organizations.

Picking areas of action where an individual, organization, or viewpoint is out of step with the mainstream allows a group to be painted as separate, foreign, elite, or out of touch. The narrative that nonprofits and philanthropists are elite, wealthy internationalists who are pushing their values on the normal people of the country is potent. It can be broadened to characterize a larger swath of organizations doing work along the same lines whose efforts may be more within the mainstream. Regulatory or legal action can then be taken against this broader subset of civil society, using the initial, unpopular example as pretext.

On the left, particularly, philanthropists and nonprofit organizations that see themselves as working for grassroots causes are often caught off guard by how effective these narrative attacks can be. Seeing themselves as doing good work on behalf of common people, they can be surprised that so many people—even among those they intend to help—view them as outsiders or elites whose intent is unclear and possibly suspicious. They often lack awareness of how unusual their language and self-presentation may be, and they don't understand the suspicion generated by their level of wealth and the resources they control.

Thus, creating a buffer of security requires changing how the threat is perceived, discussed, and countered in the narrative arena and in the way that nonprofits structure their activities. Three techniques have been found to be useful internationally:

- 1. Elevate broad principles and subsume individual cases.** Sometimes the most accurate retort to a false claim requires convoluted or legalistic explanations that are lost in the short attention span of public discourse. Instead, the sector should agree on communications techniques that constantly remind others that what is being targeted is not a particular organization or viewpoint with which many people might legitimately disagree—but the ability to speak and organize for any less popular viewpoint. In other countries, the most effective response has been not to focus on defending a single organization against a particular accusation, but to use each instance of individual attack to consistently hearken to such broader principles. For example, one Hungarian human rights organization, attacked over and over by the government, has gained resilience from constantly reminding both its attackers and the wider public that while the government tries to portray its attacks as being about foreign funding or progressive causes, the Fidesz party's real targets are the rights to think and speak freely and to organize without government permission.¹³⁰
- 2. Build deeper connections to broader communities—across difference where possible.** Nonprofits doing obscure, highly educated work with government actors are easy to portray as suspicious. The same logic applies to organizations that do work for disadvantaged groups but that do not have deep membership representation from those groups. When these organizations are attacked, there is no organic group of people harmed who will rally to their side. Overseas, this has been a major liability that has allowed NGOs to be further painted as elite outsiders. Conversely, organizations with broad grassroots membership, particularly when it cuts across political or social divides, have a natural constituency to rally to their defense. In other countries, building a grassroots membership has thus allowed for a more stable funding base, better connectivity to the actual issues of real people (which prevents polarization), and a ready pool of advocates who can speak up if the organization is attacked.

In the United States, the fact that polarization is enabling space to be closed from each side also suggests the necessity of standing together across the right and left wherever possible to defend one another's basic rights to use a variety of organizing

tactics to be heard. The coalition against closing space can and should be self-consciously nonpartisan, gathering liberals from both sides of the aisle.

- 3. Exclude organizations that use or support violence from the broad protections applied to civil society.** In defending civil society, it is important to draw clear and defensible analytic distinctions that can be applied broadly and strike most people as legitimate. Barring groups that use or support violence would allow militias like the Oath Keepers to be stripped of the right to have 501(c)3 tax status. It might also allow some student groups that support violent protest to be banned from campuses. Some readers may disagree with one or the other of these outcomes. I am comfortable claiming that violence should not play a role in the politics of a democratic society. Whatever one believes, however, by drawing the line at violence, and not at ideology or pretexts such as proximity to a pipeline, this strategy would prevent the logic of ambiguity from being used to close space for peaceful forms of speech, protest, boycott, and dissent. Given that multiple studies have found that violence also diminishes popular support for a cause and reduces the ability of a movement to build the broad coalitions necessary to win democratic victories, disincentivizing organizations from using or supporting violence may also push these organizations toward strategies that could build greater support for their ideas.¹³¹

The story of closing space for civil society is one best expressed by Martin Niemöller:

First they came for the Communists
And I did not speak out
Because I was not a Communist
Then they came for the Socialists
And I did not speak out
Because I was not a Socialist. . .¹³²

Americans need not play the poem out until its final lines. We know enough to act now.

About the Author

Rachel Kleinfeld is a senior fellow in Carnegie's Democracy, Conflict, and Governance Program, where she focuses on issues of rule of law, security, and governance in democracies experiencing polarization, violence, and other governance problems.

Acknowledgments

I am grateful for the support of the William and Flora Hewlett Foundation, the Joyce Foundation, the Klarman Family Foundation, and the David and Lucile Packard Foundation, which makes my work possible. The author is solely responsible for the paper's contents.

Notes

- 1 This section has been drawn from findings in Thomas Carothers and Saskia Brechenmacher, “Closing Space: Democracy and Human Rights Support Under Fire,” Carnegie Endowment for International Peace, 2014, https://carnegieendowment.org/files/closing_space.pdf.
- 2 I owe my Carnegie colleague Saskia Brechenmacher thanks for the ideas in this paragraph.
- 3 Carothers and Brechenmacher, “Closing Space.”
- 4 Rachel Kleinfeld and David Solimini, “What Comes Next? Lessons for the Recovery of Liberal Democracy,” Democracy Fund, October 31, 2018, <https://carnegieendowment.org/2018/10/31/what-comes-next-lessons-for-recovery-of-liberal-democracy-pub-77631>.
- 5 “11 Countries Downgraded in New Global Report on Civic Freedoms,” Civicus, December 8, 2020, <https://www.civicus.org/index.php/media-resources/media-releases/4787-11-countries-downgraded-in-new-global-report-on-civic-freedoms>.
- 6 For a slightly different breakdown with further examples, see Peter Teague and Ari Eisenstadt, “What Would Happen If It Happened Here? U.S. Philanthropy, Civil Society, and the Authoritarian Threat,” Democracy Funders Network, January 2023, <https://www.democracyfundersnetwork.org/resources/https://docsendcom/view/eyaiikhwz5emw292>.
- 7 Letter from Senator JD Vance to Attorney General Merrick Garland and Secretary of State Antony Blinken regarding Robert Kagan’s opinion piece in the *Washington Post*, *Senate Office of JD Vance*, December 6, 2023, https://www.vance.senate.gov/wp-content/uploads/2023/12/120623_RobertKaganInsurrection.pdf.
- 8 Naomi Nix, Cat Zakrzewski, and Joseph Menn, “Misinformation Research Is Buckling Under GOP Attacks,” *Washington Post*, September 23, 2023, <https://www.washingtonpost.com/technology/2023/09/23/online-misinformation-jim-jordan/>.
- 9 Zach Schonfeld, “Trump Sues Pulitzer Board for Defamation in Defending Winning Russian Collusion Stories,” *Hill*, December 14, 2022, <https://thehill.com/homenews/media/3775079-trump-sues-pulitzer-board-for-defamation-in-defending-winning-russia-collusion-stories>; and Michael R. Sisak, “Donald Trump Ordered to Pay the New York Times and Its Reporters Nearly \$400,000 in Legal Fees,” AP News, January 12, 2024, <https://apnews.com/article/trump-new-york-times-taxes-lawsuit-slap-f39342501d9a2a5cfd36181f9f336215>.
- 10 Rob Schmitz, “Poland’s Government Tightens Its Control Over Media,” NPR, January 4, 2021, <https://www.npr.org/2021/01/04/951063118/polands-government-tightens-its-control-over-media>; “Polish MPs Approve Controversial Media Ownership Bill,” *Al Jazeera*, August 12, 2021, <https://www.aljazeera.com/news/2021/8/12/poland-approves-controversial-media-law-drawing-condemnation>;

and Vanessa Gera, “Polish Broadcaster TVN says State Regulator Holding Up License Renewal,” Associated Press, June 13, 2023, <https://apnews.com/article/poland-media-tvn-warner-bros-discovery-e84f590fe02669219db6f038e6b337b5>.

- 11 Zack Beauchamp, “Hungary Just Passed a ‘Stop Soros’ Law That Makes it Illegal to Help Undocumented Migrants,” Vox, June 22, 2018, <https://www.vox.com/policy-and-politics/2018/6/22/17493070/hungary-stop-soros-orban>.
- 12 For these and other restrictions, see “U.S. Protest Law Tracker,” International Center for Not-for-Profit Law, accessed January 30, 2024, <https://www.icnl.org/usprotestlawtracker>.
- 13 “U.S. Protest Law Tracker,” International Center for Not-for-Profit Law.
- 14 “U.S. Protest Law Tracker,” International Center for Not-for-Profit Law. Car ramming incidents over the period January 1, 2020–May 24, 2020, and October 1, 2021–December 31, 2023, come from “Armed Conflict Location & Event Data Project,” Armed Conflict Location & Event Data Project, ACLED, accessed February 2, 2024 (United States, 01-01-2020–12-31-2023), <https://acleddata.com/data-export-tool>. Car ramming incidents over the period May 25, 2020–September 30, 2021, come from Jess Bidgood, “The Car Becomes the Weapon,” *Boston Globe*, October 31, 2021, <https://apps.bostonglobe.com/news/nation/2021/10/vehicle-rammings-against-protesters/tulsa>.
- 15 For the California Community Colleges requirements, see “Palsgaard v. Christian: California Community Colleges Administrators Compel Professors to Parrot the State’s Views on DEIA in the Classroom,” Foundation for Individual Rights and Expression, accessed January 12, 2023, <https://www.thefire.org/cases/palsgaard-v-christian-california-community-colleges-administrators-compel-professors-parrot>. A judge has suggested suspending the requirements, but as of this publication, the state of California has not yet done so.
- 16 Johanna Alonso, “Florida Approves Controversial Anti-DEI Regulations,” Inside Higher Ed, November 10, 2023, <https://www.insidehighered.com/news/students/diversity/2023/11/10/florida-board-governors-approves-anti-dei-regulations>; and “CS/CS/CS/SB 266: Higher Education,” Florida Senate, 2023, https://www.flsenate.gov/PublishedContent/Session/2023/BillSummary/Education_HE0266ed_00266.pdf.
- 17 “Banned in the USA: The Mounting Pressure to Censor,” PEN America, accessed January 5, 2024, <https://pen.org/report/book-bans-pressure-to-censor>.
- 18 “Academic Freedom,” FIRE, accessed January 4, 2024, <https://www.thefire.org/defending-your-rights/academic-freedom>; Alonso, “Florida Approves Controversial Anti-DEI Regulations”; and Olivia B. Waxman, “Anti-‘Critical Race Theory’ Laws Are Working. Teachers Are Thinking Twice About How They Talk About Race,” *Time*, June 30, 2022, <https://time.com/6192708/critical-race-theory-teachers-racism>.
- 19 Rebecca Boone, “Experts Say Attacks on Free Speech Are Rising Across the U.S.,” PBS, March 15, 2023, <https://www.pbs.org/newshour/politics/experts-say-attacks-on-free-speech-are-rising-across-the-us>.
- 20 Nix, Zakrzewski, and Menn, “Misinformation Research Is Buckling.”
- 21 Michael M. Grynbaum, “Trump Renews Pledge to ‘Take a Strong Look’ at Libel Laws,” *New York Times*, January 10, 2018, <https://www.nytimes.com/2018/01/10/business/media/trump-libel-laws.html>; and Tammy Kupperman and Sophie Tatum, “Justice Clarence Thomas Calls for Reconsideration of Landmark Libel Case,” CNN, February 19, 2019, <https://www.cnn.com/2019/02/19/politics/clarence-thomas-libel-first-amendment-new-york-times-sullivan-bill-cosby/index.html>.
- 22 Liz Dye, “Trump Sues Pulitzer Board for Defamatory Refusal to Revoke a Prize,” Above the Law.com, December 15, 2022, <https://abovethelaw.com/2022/12/trump-sues-pulitzer-board-for-defamatory-refusal-to-revoke-a-prize>.
- 23 “US: States Use Anti-Boycott Laws to Punish Responsible Businesses,” Human Rights Watch, April 23, 2019, <https://www.hrw.org/news/2019/04/23/us-states-use-anti-boycott-laws-punish-responsible-businesses>.
- 24 The case leading to the decision was a suit by an Arkansas newspaper that lost its state college advertising contract after refusing to sign a state-mandated pledge that it would not boycott Israel. The ruling has been heralded as a win by groups arrayed against the Boycott, Divestment, and Sanctions (BDS) movement against Israel. The anti-BDS movement has pushed for similar laws in more than half of American states. However, the ruling has much broader implications for boycotts generally. Andrew Lapin, “US Appeals Court Rules That Laws Against Israel Boycotts Don’t Violate Constitution,” *Times of Israel*, June 23, 2022, <https://www.timesofisrael.com/us-appeals-court-rules-that-laws-against-israel-boycotts-dont-violate-constitution>.

- 25 David Gelles, “West Virginia Punishes Banks That It Says Don’t Support Coal,” *New York Times*, July 28, 2022, <https://www.nytimes.com/2022/07/28/business/west-virginia-fossil-fuel-banks.html>; Karin Rives, “Texas Bans 10 Banks, 348 Investment Funds Over Fossil Fuel Policies,” S&P Global Market Intelligence, August 24, 2022, <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/texas-bans-10-banks-348-investment-funds-over-fossil-fuel-policies-71842914>; and Brenna Goth, “ESG Investing Laws Diverge in Red and Blue States: Explained,” *Bloomberg Law*, August 14, 2023, <https://news.bloomberglaw.com/in-house-counsel/esg-investing-laws-diverge-in-red-and-blue-states-explained#>.
- 26 Gelles, “West Virginia Punishes Banks”; Rives, “Texas Bans 10 Banks, 348 Investment Funds”; and Krista Buckel, “Attorney General Cameron Announces Multi-State Investigation Into Six Major Banks for ESG Investment Practices,” Commonwealth of Kentucky, October 19, 2022, <https://www.kentucky.gov/Pages/Activity-stream.aspx?n=AttorneyGeneral&prId=1269>.
- 27 Eric Boehm, “Ron DeSantis Confirms (Again) That His Attack on Disney Was Political Retribution,” *Reason*, May 16, 2023, <https://reason.com/2023/05/16/ron-desantis-confirms-again-that-his-attack-on-disney-was-political-retribution>; and Zac Anderson, “DeSantis Suggests Building Prison Near Disney World, Touts Bill to Assert Disney Control,” *USA Today*, April 17, 2023, <https://www.usatoday.com/story/news/nation/2023/04/17/florida-gov-ron-desantis-legislation-prison-to-battle-disney/11683191002>.
- 28 Madhu Unnikrishnan, “Delta Nearly Loses Tax Benefit in Georgia Over Election Law Retribution,” *Airline Weekly*, April 1, 2021, <https://airlineweekly.skift.com/2021/04/delta-nearly-loses-tax-benefit-in-georgia-over-elections-law-retribution>.
- 29 Andrew Solender, “McConnell Warns of ‘Serious Consequences’ For Businesses Boycotting Georgia Over Law,” *Forbes*, April 5, 2021, <https://www.forbes.com/sites/andrewsolender/2021/04/05/mcconnell-warns-of-serious-consequences-for-businesses-boycotting-georgia-over-law/?sh=26faf7b64515>.
- 30 Tal Axelrod, “Trump Calls for Boycott of MLB for Moving All-Star Game,” *Hill*, April 2, 2021, <https://thehill.com/homenews/administration/546282-trump-calls-for-boycott-of-mlb-for-moving-all-star-game>.
- 31 Julie Hirschfeld Davis, “Trump Calls for Boycott If N.F.L. Doesn’t Crack Down on Anthem Protests,” *New York Times*, September 24, 2017, <https://www.nytimes.com/2017/09/24/us/politics/trump-calls-for-boycott-if-nfl-doesnt-crack-down-on-anthem-protests.html>.
- 32 Katie Reilly, “Florida’s Governor Just Signed the ‘Stop Woke Act.’ Here’s What It Means for Schools and Businesses,” *Time*, April 22, 2022, <https://time.com/6168753/florida-stop-woke-law>.
- 33 David A. Bell, Dawn Belt, and Jennifer J. Hitchcock, “New Law Requires Diversity on Boards of California-Based Companies,” *Harvard Law School Forum on Corporate Governance*, October 10, 2020, <https://corpgov.law.harvard.edu/2020/10/10/new-law-requires-diversity-on-boards-of-california-based-companies>.
- 34 “Why Chick-Fil-A Really Keeps Getting Banned From Places,” *Mashed*, February 3, 2023, <https://www.mashed.com/149777/why-chick-fil-a-really-keeps-getting-banned-from-places>.
- 35 Gregory Krieg and Nathaniel Meyersohn, “Newsom to Shut Walgreens Out of California State Business Following Abortion Pill Decision,” *CNN*, March 8, 2023, <https://www.cnn.com/2023/03/07/politics/gavin-newsom-walgreens-california-abortion-drug/index.html>; “Governor Newsom: California Pulls Back Renewal of Walgreens Contract,” Office of Governor Gavin Newsom, March 8, 2023, <https://www.gov.ca.gov/2023/03/08/governor-newsom-california-pulls-back-renewal-of-walgreens-contract>; and “California to Keep Paying Walgreens Despite Abortion Dispute,” *Associated Press*, April 7, 2023, <https://apnews.com/article/california-walgreens-contract-abortion-medication-newsom-b3e04f48503faec414b456d083c56ed>.
- 36 Lawrence Hurley, “Supreme Court Takes Up NRA Coercion Claim Against Former New York Official,” *NBC News*, November 3, 2023, <https://www.nbcnews.com/politics/supreme-court/supreme-court-takes-nra-coercion-claim-former-new-york-official-rcna111344>.
- 37 “National Rifle Association v. Vullo,” *American Civil Liberties Union*, last updated January 9, 2024, <https://www.aclu.org/cases/national-rifle-association-v-vullo>.
- 38 Amy Sherman, “Fact-check: Do New State Laws Ban Food and Water in Voting Lines?,” *Austin American-Statesman*, July 16, 2021, <https://www.statesman.com/story/news/politics/politifact/2021/07/16/kamala-harris-exaggerates-food-and-water-laws-voters/7989665002>.
- 39 Justin Spike, “News Outlets and NGOs Condemn Hungary’s New ‘Sovereignty Protection’ Law as a Way to Silence Critics,” *Associated Press*, December 13, 2023, <https://apnews.com/article/hungary-sovereignty-law-media-orban-government-critics-205b5cffa0c750b3eb8092ea428d5c6>.
- 40 Saul Elbein, “Jordan Subpoenas Climate Group for Alleged ‘Collusion’ and Antitrust Violations,” *Hill*, November 1, 2023, <https://thehill.com/policy/equilibrium-sustainability/4288480-jim-jordan-esg-investing-subpoenas-climate-group-collusion-antitrust-allegations>; and “Chairman Jordan Subpoenas As

- You Sow and GFANZ in ESG Investigation,” House of Representatives Judiciary Committee, November 1, 2023, <https://judiciary.house.gov/media/press-releases/chairman-jordan-subpoenas-you-sow-and-gfanz-esg-investigation>.
- 41 Andrea Bernstein, “Republican Rep. Jim Jordan Issues Sweeping Information Request to Universities Researching Disinformation,” ProPublica, March 22, 2023, <https://www.propublica.org/article/jim-jordan-disinformation-subpoena-universities>.
- 42 Letter from the U.S. House of Representatives Committee on Natural Resources to Gene Karpinski, president of the League of Conservation Voters, U.S. House of Representatives Committee on Natural Resources, June 20, 2023, https://naturalresources.house.gov/uploadedfiles/2023.06.20_hnr_letter_to_lcv.pdf; Letter from Senator Ted Cruz and Representative James Comer to Attorney General Merrick Garland regarding FARA and environmental groups, U.S. House of Representatives Committee on Oversight and Accountability, August 3, 2023, <https://oversight.house.gov/wp-content/uploads/2023/08/2023.08.03-Sen.-Cruz-Chair-Comer-letter-to-AG-Garland-re-FARA-Environmental-Groups.pdf>; and Nick Robinson, “Fixing the FARA Mess,” Just Security, March 16, 2022, <https://www.justsecurity.org/80690/fixing-the-fara-mess>.
- 43 Letter from the U.S. House of Representatives Committee on Natural Resources to Gene Karpinski, U.S. House of Representatives Committee on Natural Resources; Hailey Fuchs, “GOP Lawmakers Go After Environmentalists on FARA,” Politico, August 4, 2023, <https://www.politico.com/newsletters/politico-influence/2023/08/04/gop-lawmakers-go-after-environmentalists-on-fara-00109938>.
- 44 “House Committee Expands Use of Foreign Agent Registration Act to Target Environmental Advocacy Groups,” Charity and Security Network, June 25, 2018, <https://charityandsecurity.org/news/house-investigations-use-fara-target-enviro>; and letter from Senator Ted Cruz and Representative James Comer to Attorney General Merrick Garland, U.S. Congress Committee on Oversight and Accountability.
- 45 Robinson, “Fixing the FARA Mess.”
- 46 James Barragán, “Without Evidence, Gov. Greg Abbott Asks Whether Nonprofits Are Helping Migrants Enter Texas,” *Texas Tribune*, December 15, 2022, <https://www.texastribune.org/2022/12/15/greg-abbott-texas-migrants-border-nonprofits>.
- 47 Jorja Siemons, “Church Sues California County Over Alleged Covid-19 Geofencing,” Bloomberg Law, August 23, 2023, <https://news.bloomberglaw.com/privacy-and-data-security/church-sues-california-county-over-alleged-covid-19-geofencing>.
- 48 Justice Neil M. Gorsuch wrote in a concurring opinion that “It is time—past time—to make plain that, while the pandemic poses many grave challenges, there is no world in which the Constitution tolerates color-coded executive edicts that reopen liquor stores and bike shops but shutter churches, synagogues and mosques.” Adam Liptak, “Splitting 5 to 4, Supreme Court Backs Religious Challenge to Cuomo’s Virus Shutdown Order,” *New York Times*, November 26, 2020, <https://www.nytimes.com/2020/11/26/us/supreme-court-coronavirus-religion-new-york.html>; “Roman Catholic Diocese of Brooklyn, New York v. Andrew M. Cuomo, Governor of New York,” Supreme Court of the United States, November 25, 2020, https://www.supremecourt.gov/opinions/20pdf/20a87_4g15.pdf; and Ariane de Vogue, “Supreme Court Backs Religious Groups Against Covid-19 Restrictions in Colorado and New Jersey,” CNN, December 15, 2020, <https://www.cnn.com/2020/12/15/politics/supreme-court-colorado-new-jersey-covid/index.html>.
- 49 “Russia To Impose Hefty Fines For Distribution Of Unlabeled ‘Foreign Agent’ Materials,” Radio Free Europe/Radio Liberty, November 24, 2023, <https://www.rferl.org/a/russia-foreign-agent-distribution-fines/32698089.html>.
- 50 Steven Mufson and Chris Mooney, “House Republicans Attack Environmental Group Over Its Climate Work in China,” *Washington Post*, June 5, 2018, <https://www.washingtonpost.com/news/energy-environment/wp/2018/06/05/house-republicans-attack-environmental-group-for-its-climate-work-in-china>.
- 51 Rachel Frazin, “Cheney Asks DOJ to Probe Environmental Groups,” *Hill*, September 17, 2020, <https://thehill.com/policy/energy-environment/516973-cheney-asks-doj-to-probe-environmental-groups>.
- 52 Letter from Senator Ted Cruz and Representative James Comer to Attorney General Merrick Garland, U.S. Congress Committee on Oversight and Accountability.
- 53 Caitlin Dickson and Christopher Wilson, “Right-Wing ‘Groomer’ Attacks Target Suicide Prevention Service for LGBTQ Youth,” Yahoo News, <https://news.yahoo.com/right-wing-groomer-attacks-target-suicide-prevention-service-for-lgbtq-youth-130037286.html>.
- 54 “‘The Ingraham Angle’ on Disney, Hunter Biden,” Fox News, March 30, 2022, <https://www.foxnews.com/transcript/the-ingraham-angle-on-disney>; and Bevan Hurley, “Donald Trump Jr Called Out for Claiming

- Image of Mickey Mouse is Sexually Explicit,” *Independent*, April 8, 2022, <https://www.independent.co.uk/news/world/americas/donald-trump-jr-mickey-mouse-b2054251.html>.
- 55 Brooke Migdon, “Gov. DeSantis Spokesperson Says ‘Don’t Say Gay’ Opponents Are ‘Groomers,’” *Hill*, March 7, 2022, <https://thehill.com/changing-america/respect/equality/597215-gov-desantis-spokesperson-says-dont-say-gay-opponents-are>.
- 56 Hibaq Farah, “Elon Musk Hits Out at Soros Foundation Before Meeting Israel’s Netanyahu,” *Guardian*, September 18, 2023, <https://www.theguardian.com/technology/2023/sep/18/elon-musk-accuses-george-soros-foundation-of-wanting-to-destroy-western-civilisation>.
- 57 Jane Coaston, “Trump Repeats a George Soros Conspiracy Theory Right Before Kavanaugh Vote,” *Vox*, October 5, 2018, <https://www.vox.com/policy-and-politics/2018/10/5/17940706/trump-soros-kavanaugh-twitter-vote>.
- 58 Nicholas Reimann, “Marjorie Taylor Greene Supported Conspiracy Theory That Parkland Massacre Was ‘False Flag Planned Shooting,’” *Forbes*, January 19, 2021, <https://www.forbes.com/sites/nicholasreimann/2021/01/19/marjorie-taylor-greene-supported-conspiracy-theory-that-parkland-massacre-was-false-flag-planned-shooting/?sh=394fcd024f8c>; and Lois Beckett, “Parkland Survivors Call for GOP Extremist Marjorie Taylor Greene’s Resignation,” *Guardian*, January 28, 2021, <https://www.theguardian.com/us-news/2021/jan/28/marjorie-taylor-greene-parkland-david-hogg>.
- 59 Conny Roggeband and Andrea Krizsán, “The Selective Closure of Civic Space,” *Global Policy* 12, no. 5 (2021): 23–33, <https://doi.org/10.1111/1758-5899.12973>.
- 60 Hannah Ellis-Petersen and Jim Waterson, “BBC Offices in India Raided by Tax Officials Amid Modi Documentary Fallout,” *Guardian*, February 14, 2023, <https://www.theguardian.com/world/2023/feb/14/bbc-offices-india-raided-tax-officials-modi-documentary-fallout>.
- 61 Stephanie Sugars, “In 2022, 15 Journalists Arrested; More Face Charges,” U.S. Press Freedom Tracker, December 20, 2022, <https://pressfreedomtracker.us/blog/in-2022-a-dozen-journalists-arrested-more-face-charges>; and David Folkenflik and Danielle Kaye, “Police Raid Small Paper in Kansas, Prompting National Outcry Over Press Freedom,” *NPR*, August 14, 2023, <https://www.npr.org/2023/08/14/1193782305/police-raid-small-paper-in-kansas-prompting-national-outcry-over-press-freedom>.
- 62 Stephanie Sugars, “Parallels in Attacks on Journalists, Newsrooms Across the Years,” U.S. Press Freedom Tracker, May 31, 2023, <https://pressfreedomtracker.us/blog/parallels-in-attacks-on-journalists-newsrooms-across-the-years>; Katherine Jacobsen, “In 2020, U.S. Journalists Faced Unprecedented Attacks,” Committee to Protect Journalists, December 14, 2020, <https://cpj.org/2020/12/in-2020-u-s-journalists-faced-unprecedented-attacks>; “Jeff German,” Committee to Protect Journalists, accessed January 4, 2024, <https://cpj.org/data/people/jeff-german>; and Corky Siemaszko, “Oklahoma County Leaders Caught on Audio Talking About Killing Reporters, Complaining They Can No Longer Lynch Black People,” *NBC News*, April 17, 2023, <https://www.nbcnews.com/news/us-news/oklahoma-county-leaders-caught-audio-talking-killing-reporters-complai-rcna80055>.
- 63 “United States,” *World Press Freedom Index 2023*, Reporters Without Borders, <https://rsf.org/en/country/united-states>. The United States is now ranked 45 out of 180 countries, behind Western European and Commonwealth countries.
- 64 “Bolsonaro Family Vents More Anger Than Ever on Brazil’s Media,” Reporters Without Borders, July 27, 2021, <https://rsf.org/en/bolsonaro-family-vents-more-anger-ever-brazil-s-media>.
- 65 Rob Schmitz, “Poland’s Government Tightens Its Control Over Media,” *NPR*, January 4, 2021, <https://www.npr.org/2021/01/04/951063118/polands-government-tightens-its-control-over-media>.
- 66 Nix, Zakrzewski, and Menn, “Misinformation Research Is Buckling.”
- 67 Hannah Hudnall, “Fact Check: False Claim About Boston Children’s Hospital’s Transgender Care Program,” *USA Today*, August 22, 2022, <https://www.usatoday.com/story/news/factcheck/2022/08/22/fact-check-false-claim-boston-hospitals-transgender-care/10340507002>; Jeremy Barr, “Tucker Carlson Villainizes Journalists on His Top-Rated Show. Then the Threats Pour In,” *Washington Post*, April 15, 2021, <https://www.washingtonpost.com/media/2021/04/15/tucker-carlson-journalists-threats>; and Will Carless, “When Libs of TikTok Tweets, Threats Increasingly Follow,” *USA Today*, November 2, 2023, <https://www.usatoday.com/story/news/investigations/2023/11/02/lib-of-tiktok-tweets-death-bomb-threats/71409213007>.
- 68 Andrea Ball and Will Carless, “A Drag Show, a Protest and a Line of Guns: How the Battle Over One Issue Is Tearing at America,” *USA Today*, December 31, 2022, <https://www.usatoday.com/in-depth/news/nation/2022/12/31/all-ages-drag-show-roanoke-texas-protest/10929001002>; Will Carless and Doug Livingston, “Nazi Salutes, Pepper Spray and Pistols: Ohio Drag Event Devolves Into an Extremist Melee,”

USA Today, March 14, 2023, <https://www.usatoday.com/story/news/nation/2023/03/14/drag-storytelling-in-wadsworth-ohio-devolves-into-extremist-fight/11465959002>; Hannah Allam, “A Rural Washington School Board Race Shows How Far-Right Extremists Are Shifting to Local Power,” *Washington Post*, January 8, 2022, <https://www.washingtonpost.com/national-security/2022/01/08/far-right-school-boards/>; “Members of White Nationalist Group Show Up at NHC School Board Meeting,” WECT News 6, November 9, 2021, <https://www.wect.com/2021/11/10/members-white-nationalist-group-show-up-nhc-school-board-meeting/>; and Chris Ullery, “Group Calls Off Plans to Gather Before Central Bucks District Meeting After Militia Fears Spread Online,” *Philly Burbs*, August 23, 2021, <https://www.phillyburbs.com/story/news/2021/08/24/group-calls-off-plans-gather-before-central-bucks-district-meeting-after-militia-fears-spread-online/8239862002>.

- 69 “Violence Against Abortion Providers Continues to Rise Following Roe Reversal, New Report Finds,” National Abortion Federation, May 11, 2023, <https://prochoice.org/violence-against-abortion-providers-continues-to-rise-following-roe-reversal-new-report-finds>.
- 70 U.S. Press Freedom Database: “Trump’s Negative Tweets About the Press,” U.S. Press Freedom Tracker, accessed January 4, 2024, <https://docs.google.com/spreadsheets/d/1uNA6nsgcRhhQ0b6USsMNzYLMfuDRSMhbGZNZ00WkHk/edit?pli=1#gid=0>.
- 71 Sugars, “Parallels in Attacks on Journalists, Newsrooms.”
- 72 Olafimihan Oshin, “Dozens of Synagogues Targeted by ‘Online Trolls,’ Disrupting Services: ADL,” *Hill*, August 16, 2023, <https://thehill.com/homenews/state-watch/4154964-dozens-of-synagogues-targeted-by-online-trolls-disrupting-services-adl>.
- 73 “Anti-Semitic Incidents Surged Nearly 60% in 2017, According to New ADL Report,” Anti-Defamation League, February 27, 2018, <https://www.adl.org/resources/press-release/anti-semitic-incidents-surged-nearly-60-2017-according-new-adl-report>; “ADL Records Dramatic Increase in U.S. Antisemitic Incidents Following Oct. 7 Hamas Massacre,” Anti-Defamation League, October 24, 2023, <https://www.adl.org/resources/press-release/adl-records-dramatic-increase-us-antisemitic-incidents-following-oct-7>; and “7 Things to Know About Campus Support for Hamas and Antisemitism,” Foundation for Defense of Democracies, December 4, 2023, <https://www.fdd.org/analysis/2023/12/04/7-things-to-know-about-campus-support-for-hamas-and-antisemitism>.
- 74 Donovan Brink, “Republican Headquarters Vandalized Yet Again; Seventh Attack in 2020,” *News-Review*, November 6, 2020, https://www.nrtoday.com/news/crime/republican-headquarters-vandalized-yet-again-seventh-attack-in-2020/article_1b28545f-06da-587e-8dca-122a201ab7fe.html; Sarah Polus, “Florida Seminole County GOP Office Vandalized: ‘Eat S--- Fascists,’” *Hill*, August 29, 2022, <https://thehill.com/blogs/blog-briefing-room/3620057-floridas-seminole-county-gop-office-vandalized>; Carol Clark, “New Mexico GOP Headquarters Vandalized,” *Los Alamos Daily Post*, February 10, 2020, <https://ladailypost.com/new-mexico-gop-headquarters-vandalized>; and Chas Donner, “Republican Party Office Firebombed in North Carolina,” *Intelligencer*, October 16, 2016, <https://nymag.com/intelligencer/2016/10/republican-party-office-firebombed-in-north-carolina.html>.
- 75 Michael Levenson, “Police in North Carolina Use a Chemical Spray to Disperse a Get-Out-the-Vote Rally,” *Washington Post*, October 31, 2020, <https://www.nytimes.com/2020/10/31/us/elections/police-in-north-carolina-use-a-chemical-spray-to-disperse-a-get-out-the-vote-rally.html>; Erik Ortiz, “Voter Intimidation Lawsuit Filed After Police Use Pepper-Spray at North Carolina March,” NBC News, November 3, 2020, <https://www.nbcnews.com/politics/2020-election/voter-intimidation-lawsuit-filed-after-police-use-pepper-spray-north-n1245944>; and Madeleine Carlisle, “‘Someone Had to Take a Stand,’ Florida Man Who Allegedly Drove Over GOP Voter Registration Tent Tells Police,” *Time*, February 12, 2020, <https://time.com/5782884/florida-voter-registration-car-crash-trump>.
- 76 The IRS apologized following a federal lawsuit; see Peter Overby, “IRS Apologizes for Aggressive Scrutiny of Conservative Groups,” NPR, October 27, 2017, <https://www.npr.org/2017/10/27/560308997/irs-apologizes-for-aggressive-scrutiny-of-conservative-groups>. A later audit showed that the agency also targeted progressive groups; see Paul Farhi, “Four Years Later, the IRS Tea Party Scandal Looks Very Different. It May Not Even Be a Scandal,” *Washington Post*, October 5, 2017, https://www.washingtonpost.com/lifestyle/style/four-years-later-the-irs-tea-party-scandal-looks-very-different-it-may-not-even-be-a-scandal/2017/10/05/4e90c7ec-a9f7-11e7-850e-2bdd1236be5d_story.html. But the damage was done. In 2012, 90 percent of parents claiming the adoption tax credit faced further review and nearly seven in ten were audited, a burden that some Christians and the Christian nonprofit community interpreted as targeting by the tax authorities against them in particular, given this earlier history and their support for adoption; see Peggy Bogadi, “The IRS’s Compliance Strategy for the Expanded Adoption Credit Has Significantly and Unnecessarily Harmed Vulnerable Taxpayers, Has Increased Costs for the IRS,

- and Does Not Bode Well for Future Credit Administration,” Tax Advocate Service, 2012, <https://www.taxpayeradvocate.irs.gov/wp-content/uploads/2020/08/Most-Serious-Problems-Adoption-Credit-Delays.pdf>; and Bob Smietana, “IRS Audited Thousands of Adoptive Families,” USA Today, May 24, 2013, <https://www.usatoday.com/story/news/nation/2013/05/24/irs-audited-adoptions/2357415>.
- 77 Andrew Hay, “Florida’s DeSantis Bans Pro-Palestinian Student Group,” Reuters, October 26, 2023, <https://www.reuters.com/world/us/floridas-desantis-bans-pro-palestinian-student-group-2023-10-25>.
- 78 Maya Tudor, “Why India’s Democracy is Dying,” *Journal of Democracy* 34, no. 3 (2023): 121–132, <https://www.journalofdemocracy.org/articles/why-indias-democracy-is-dying>.
- 79 “Prohibiting Private Funding of Elections,” National Conference of State Legislatures, December 6, 2023, <https://www.ncsl.org/elections-and-campaigns/prohibiting-private-funding-of-elections>.
- 80 Timothy McClimon, “Companies and Nonprofits Face Greater Scrutiny for Their Environmental and Social Actions,” *Forbes*, May 6, 2022, <https://www.forbes.com/sites/timothyjmcclimon/2022/05/06/companies-and-nonprofits-face-greater-scrutiny-for-their-environmental-and-social-actions/?sh=6eb4aca255eb>.
- 81 Ian Schwartz, “J.D. Vance on Ford Foundation: ‘We Are Actively Subsidizing the People Who Are Destroying This Country,’” RealClearPolitics, September 28, 2021, https://www.realclearpolitics.com/video/2021/09/28/jd_vance_on_ford_foundation_we_are_actively_subsidizing_the_people_who_are_destroying_this_country.html.
- 82 McClimon, “Companies And Nonprofits Face Greater Scrutiny.”
- 83 Steven Lee Myers and Sheera Frenkel, “G.O.P. Targets Researchers Who Study Disinformation Ahead of 2024 Election,” *New York Times*, June 19, 2023, <https://www.nytimes.com/2023/06/19/technology/gop-disinformation-researchers-2024-election.html>.
- 84 Moreover, the fracas gave privately owned social media platforms an excuse to end their efforts to reduce disinformation and hate speech.
- 85 Nix, Zakrzewski, and Menn, “Misinformation Research is Buckling.”
- 86 “Jim Crow Laws,” National Park Service, accessed January 4, 2024, https://www.nps.gov/malu/learn/education/jim_crow_laws.htm#:~:text=who%20shall%20be%20guilty%20of,misdemeanor%20and%20subject%20to%20fine.
- 87 I discuss this history in Rachel Kleinfeld, *A Savage Order* (New York: Pantheon, 2018), 53–57. The key case was *United States v. Cruikshank* (1876), which overturned (until recently) the Enforcement Act and the Ku Klux Klan Act by claiming that Congress could prohibit state governments from infringing on the rights of citizens but had no jurisdiction over the actions of private individuals—leading to the use of vigilante forces to act on behalf of the ruling party.
- 88 “Dennis v. United States,” Global Freedom of Expression, accessed January 4, 2024, <https://globalfreedomofexpression.columbia.edu/cases/dennis-v-united-states>.
- 89 Teague and Eisendstadt, “What Would Happen If It Happened Here?” 6.
- 90 Peter Wehner, “The Scandal Rocking the Evangelical World,” *Atlantic*, June 7, 2021, <https://www.theatlantic.com/ideas/archive/2021/06/russell-moore-sbc/619122>.
- 91 Jonathan J. Cooper, “Once McCain’s Party, Arizona GOP Returns to Far-Right Roots,” Associated Press, September 18, 2022, <https://apnews.com/article/2022-midterm-elections-presidential-censures-phoenix-donald-trump-5cccb6b2ba8d47eda24826ad5623dc36>.
- 92 Sean Illing, “The Reality of Trump’s Alt-right Trolls: They’ll Put Your 7-Year-Old’s Face on a Gas Chamber,” *Vox*, October 27, 2016, <https://www.vox.com/conversations/2016/10/27/13428612/donald-trump-david-french-alt-right-trolls-republican-party>; and David French, “The Price I’ve Paid for Opposing Donald Trump,” *National Review*, October 21, 2016, <https://www.nationalreview.com/2016/10/donald-trump-alt-right-internet-abuse-never-trump-movement>.
- 93 Rachel Kleinfeld, “The Rise in Political Violence in the United States and Damage to Our Democracy,” Carnegie Endowment for International Peace, March 31, 2022, <https://carnegieendowment.org/2022/03/31/rise-in-political-violence-in-united-states-and-damage-to-our-democracy-pub-87584>.
- 94 Jon A. Shields, “The Disappearing Conservative Professor,” *National Affairs*, Fall 2018, <https://nationalaffairs.com/publications/detail/the-disappearing-conservative-professor>. Conservative professors are more common in certain disciplines, particularly in the Rocky Mountain West, and much less prevalent in private schools in New England. See Samuel J. Abrams, “There Are Conservative Professors. Just Not in These States,” *New York Times*, July 1, 2016, <https://www.nytimes.com/2016/07/03/opinion/sunday/there-are-conservative-professors-just-not-in-these-states.html?action=click&module=RelatedLinks&pgtype=Article>; and Samuel J. Abrams, “Think Professors Are Liberal? Try School Administrators,” *New York Times*, October 16, 2018, <https://www.nytimes.com/2018/10/16/opinion/liberal-college-administrators.html>. For Yale numbers, see Philip Mousavizadeh,

- “A ‘Proliferation of Administrators’: Faculty Reflect on Two Decades of Rapid Expansion,” *Yale Daily News*, November 10, 2021, <https://yaledailynews.com/blog/2021/11/10/reluctance-on-the-part-of-its-leadership-to-lead-yales-administration-increases-by-nearly-50-percent>.
- 95 “The Left Is Eating Itself: How Purity Politics Leave Progressive Power on the Table,” *New York Times*, January 26, 2023, <https://www.nytimes.com/2023/01/26/opinion/the-left-purity-politics.html>; and Ryan Grim, “Elephant in the Zoom,” *Intercept*, June 13, 2022, <https://theintercept.com/2022/06/13/progressive-organizing-infighting-callout-culture>.
- 96 Samuel J. Abrams, “Elite Schools Are the Most Problematic on Speech,” *RealClearEducation*, November 9, 2020, https://www.realcleareducation.com/articles/2020/11/09/elite_schools_are_the_most_problematic_on_speech_110505.html.
- 97 Jolie Lash and Jason Volack, “3 Jewish Students Sue NYU, Claiming College Failed to Protect Them from Antisemitism,” *ABC News*, November 15, 2023, <https://abcnews.go.com/US/3-jewish-students-sue-nyu-claim-college-failed-protect-them-from-antisemitism/story?id=104899747>. Bianca Quilantan, “Jewish Groups Sue University of California Over ‘Unchecked’ Antisemitism,” *Politico*, November 28, 2023, <https://www.politico.com/news/2023/11/28/jewish-groups-university-california-antisemitism-lawsuit-00128772>; Mike Damiano, “Jewish College Students Targeted Amid Rising Tensions Over Israel-Hamas War,” *Boston Globe*, November 14, 2023, <https://www.bostonglobe.com/2023/11/14/metro/jewish-college-students-targeted-israel-hamas-war>; and Luke Tress, “Jewish Columbia Students Demand University Take Action Against Rising Antisemitism,” *Times of Israel*, November 1, 2023, <https://www.timesofisrael.com/jewish-columbia-students-demand-university-take-action-against-rising-antisemitism>.
- 98 “New Mexico Governor, AG, Both Democrats, Clash Over Monthlong Ban on Carrying Guns in Albuquerque,” *CBS News*, September 13, 2023, <https://www.cbsnews.com/news/new-mexico-governor-michelle-lujan-grisham-attorney-general-raul-torrez-both-democrats-clash-her-monthlong-guns-carrying-ban-albuquerque>.
- 99 For instance, the *New York Times* identified 8 percent of the Republican base as belonging to a relatively young and multiracial subgroup that stands out for its support of Trump and its desire to fight the “woke” left. See Nate Cohn, “The 6 Kinds of Republican Voters,” *New York Times*, August 17, 2023, <https://www.nytimes.com/interactive/2023/08/17/upshot/six-kinds-of-republican-voters.html>.
- 100 Conservatism has been linked to stronger disgust reactions in a number of different studies, such as Yoel Inbar et al., “Disgust Sensitivity, Political Conservatism, and Voting,” *Social Psychological and Personality Science* 3, no. 5 (2011): 537–544, <https://doi.org/10.1177/1948550611429024>; and Julia Elad-Srenger, Jutta Proch, and Thomas Kessler, “Is Disgust a ‘Conservative’ Emotion?,” *Personality and Social Psychology Bulletin* 46, no. 6 (2019), <https://journals.sagepub.com/doi/abs/10.1177/0146167219880191>. Conservative writings frequently contain descriptions of disgust at the hypocrisy of the illiberal left—such as university presidents refusing to condemn calls for violence against Jews on free speech grounds, while curbing much milder speech directed at other minority groups. Backlash against left-leaning illiberalism leading to more support for right-leaning illiberalism can be seen with regard to race and gender. Researchers have found that asking White college students who identify with their Whiteness to consider White privilege backfires, leading them to express greater racial resentment. Nyla R. Branscombe, Michael T. Schmitt, and Kristin Schifffhauer, “Racial Attitudes in Response to Thoughts of White Privilege,” *European Journal of Social Psychology* 37, no. 2 (2007): 203–215, <https://doi.org/10.1002/ejsp.348>. Mandatory diversity trainings or trainings that make a dominant group feel blamed have also been found to deepen preexisting biases and create backlash effects; see Jesse Singal, “What If Diversity Training Is Doing More Harm Than Good?,” *New York Times*, January 17, 2023, <https://www.nytimes.com/2023/01/17/opinion/dei-trainings-effective.html>. For masculine backlash, see Rachel Kleinfeld, “To Save Democracy, Help Men,” *American Institute for Boys and Men*, January 5, 2024, <https://aibm.org/commentary/to-save-democracy-help-men>.
- 101 Most people remember Alexis de Tocqueville’s amazement at the robust nature of private organizations in America. But Tocqueville also noted the “tyranny of the majority” and its power to enforce conformism within the Jacksonian-era America he visited. Tocqueville noticed how social pressure stifled American thought and even speech, exerting greater power over behavior and ideas than was achieved by government force in Europe and even the reign of terror in his native France.
- 102 “Scholars Punished for Their Speech Skyrocketed Over Last Three Years,” *Foundation for Individual Rights and Expression*, April 20, 2023, <https://www.thefire.org/news/report-scholars-punished-their-speech-skyrocketed-over-last-three-years>; “Spotlight on Due Process,” *Foundation for Individual Rights and Expression*, 2017, <https://www.thefire.org/research-learn/spotlight-due-process-2017>; and “Scholars Under Fire Database,” *Foundation for Individual Rights and Expression*, accessed February 9, 2024, <https://www.thefire.org/research-learn/scholars-under-fire>.

- 103 Jack Winstanley, Charis Hoard, and Mia Gingerich, “Timeline: The Right’s Crusade Against LGBTQ+ Corporate Pride Month Campaigns,” Media Matters for America, May 25, 2023, <https://www.mediamatters.org/diversity-discrimination/timeline-rights-crusade-against-lgbtq-corporate-pride-month-campaigns>.
- 104 Neil R. McMillen, *The Citizens’ Council: Organized Resistance to the Second Reconstruction, 1954-64* (Champaign, IL: University of Illinois Press, 1971).
- 105 The reports showed the advertisements of major companies running alongside white nationalist and Nazi content, leading many advertisers such as Apple, Disney, Fox Sports, IBM, Sony, and Warner Bros. to stop advertising on the platform.
- 106 “Attorney General Ken Paxton Opens Investigation Into Media Matters for Potential Fraudulent Activities,” Attorney General of Texas, November 20, 2023, <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-opens-investigation-media-matters-potential-fraudulent-activity>.
- 107 Lydia Saad, “Historically Low Faith in U.S. Institutions Continues,” Gallup, July 6, 2023, <https://news.gallup.com/poll/508169/historically-low-faith-institutions-continues.aspx>.
- 108 Thomas Carothers, “The Closing Space Challenge: How Are Funders Responding,” Carnegie Endowment for International Peace, November 2, 2015, <https://carnegieendowment.org/2015/11/02/closing-space-challenge-how-are-funders-responding-pub-61808>.
- 109 “With 22 Murders, Colombia Is Again World’s Deadliest Country for Trade Unionists,” Justice for Colombia, June 30, 2021, <https://justiceforcolombia.org/news/with-22-murders-colombia-is-again-worlds-deadliest-country-for-trade-unionists>; and, for more historical analysis, see “Congressional Testimony on Violence Against Trade Unionists and Human Rights in Colombia,” Human Rights Watch, June 27, 2007, <https://www.hrw.org/news/2007/06/27/congressional-testimony-violence-against-trade-unionists-and-human-rights-colombia>.
- 110 Diego Oré, “Latin American Environmentalists Most at Risk of Murder, Report Finds,” Reuters, September 28, 2022, <https://www.reuters.com/world/americas/latin-american-environmentalists-most-risk-murder-report-finds-2022-09-29>.
- 111 Ashutosh Varshney, “How India’s Ruling Party Erodes Democracy,” *Journal of Democracy* 33, no. 4 (October 2022): <https://www.journalofdemocracy.org/articles/how-indias-ruling-party-erodes-democracy>, 113–114.
- 112 Rachel Kleinfeld and Elena Barham, “Complicit States and the Governing Strategy of Privilege Violence: When Weakness Is Not the Problem,” *Annual Review of Political Science* 21 (2018): 215-238, <https://doi.org/10.1146/annurev-polisci-041916-015628>.
- 113 Keith E. Whittington, “The Intellectual Freedom That Made Public Colleges Great Is Under Threat,” *Washington Post*, December 15, 2021, <https://www.washingtonpost.com/outlook/2021/12/15/academic-freedom-crt-public-universities>.
- 114 “American Philanthropy Turns Left,” *Economist*, September 4, 2021, <https://www.economist.com/united-states/2021/09/04/american-philanthropy-turns-left>.
- 115 Schwartz, “J.D. Vance on Ford Foundation.”
- 116 “U.S. Protest Law Tracker,” International Center for Not-for-Profit Law.
- 117 Joanne Barkan, “Plutocrats at Work: How Big Philanthropy Undermines Democracy,” *Dissent*, Fall 2013, <https://www.dissentmagazine.org/article/plutocrats-at-work-how-big-philanthropy-undermines-democracy>; and “American Philanthropy Turns Left,” *Economist*.
- 118 Rachel Kleinfeld, “Polarization, Democracy, and Political Violence in the United States: What the Research Says,” Carnegie Endowment for International Peace, September 5, 2023, <https://carnegieendowment.org/2023/09/05/polarization-democracy-and-political-violence-in-united-states-what-research-says-pub-90457>.
- 119 Daniel de Visé, “Americans Bought Almost 60 Million Guns During the Pandemic,” *Hill*, April 21, 2023, <https://thehill.com/policy/national-security/3960527-americans-bought-almost-60-million-guns-during-the-pandemic>.
- 120 Garen Wintemute et al., “Firearm Ownership and Support for Political Violence in the United States: Findings From a Nationally Representative Survey,” OSF Preprint, September 18, 2023, <https://osf.io/preprints/socarxiv/h7ksv>.
- 121 Kleinfeld, *A Savage Order*.
- 122 This section has been drawn from findings in Carothers, “The Closing Space Challenge”; and Carothers and Brechenmacher, “Closing Space.”
- 123 “Spy Case Figure Freed: Smilg, Approached by Gold, Acquitted of Perjury,” *New York Times*, June 19, 1955, https://timesmachine.nytimes.com/timesmachine/1955/06/19/82200839.pdf?pdf_redirect=true&ip=0. He was tried for perjury after claiming to his Air Force Loyalty Board that he did not know the man was a spy.

A federal jury eventually found him innocent—but the damage to his security clearances and reputation had already been done.

- 124 “An Overview of Bombing and Arson Attacks by Environmental and Animal Rights Extremists in the United States, 1995–2010,” National Consortium for the Study of Terrorism and Responses to Terrorism, May 2013, https://www.dhs.gov/sites/default/files/publications/OPSR_TP_TEVUS_Bombing-Arson-Attacks_Environmental-Animal%20Rights-Extremists_1309-508.pdf.
- 125 Overby, “IRS Apologizes.”
- 126 “Extremists and Hate Groups May Be Abusing Non-Profit Status,” Anti-Defamation League, May 21, 2021, <https://www.adl.org/resources/report/extremist-and-hate-groups-may-be-abusing-non-profit-status>.
- 127 Jack Stripling, “Colleges Braced for Antisemitism and Violence. It’s Happening,” *Washington Post*, October 31, 2023, <https://www.washingtonpost.com/education/2023/10/31/antisemitism-college-campuses-jewish-amas-gaza>.
- 128 The most egregious cases of recent violence against Muslims have, properly, been prosecuted—for instance, Emma Bowman, “The Fatal Stabbing of a Palestinian American Boy Is Being Investigated as Hate Crime,” NPR, October 16, 2023, <https://www.npr.org/2023/10/15/1206046190/boy-killed-anti-muslim-attack-illinois>; Michael Casey, “Was the Vermont Shooting of 3 Men of Palestinian Descent a Hate Crime? Under State Law It Might Be,” Associated Press, November 28, 2023, <https://apnews.com/article/hate-crime-vermont-shooting-palestinian-american-students-03e051f7a7f5634ee220803bdbe4886c>; and Timothy Bella and Kim Bellware, “Hit-and-Run Injuring Muslim Stanford Student Sparks Hate-Crime Probe,” *Washington Post*, November 6, 2023, <https://www.washingtonpost.com/nation/2023/11/06/muslim-stanford-student-hit-run-hate-crime>.
- 129 Tom Scheck et al., “How Private Money From Facebook’s CEO Saved the 2020 Election,” NPR, December 8, 2020, <https://www.npr.org/2020/12/08/943242106/how-private-money-from-facebooks-ceo-saved-the-2020-election>; and Josh Kelety, “Posts Misrepresent Mark Zuckerberg’s Election Spending,” Associated Press, May 3, 2022, <https://apnews.com/article/fact-checking-mark-zuckerberg-election-donations-188810437774>.
- 130 Thanks to Thomas Carothers for this anecdote and understanding.
- 131 A growing chorus of illiberal voices on the right and left argue that violence should be allowed as a form of protest: the right claims that it was the original form of action in the American revolution and is constitutionally protected in the Second Amendment, and the left argues that violence is necessary for social change and that barring violent groups from the protections owed civil society would have abandoned groups like the early African National Congress. However, research shows that globally, violence actually decreases the success rate of groups trying to overthrow authoritarian systems, and violent flanks weaken the whole cause. See Erica Chenoweth and Maria J. Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* (Columbia University Press, 2012). Looking just at the United States, Princeton researcher Omar Wasow has shown that the civil rights movement lost support when it used violent tactics and that nonviolent tactics were much more useful for building support, particularly in the face of state violence (see Deni Ellis Béchar, “Politics Scholar Omar Wasow on Protests, Violence and the Media,” *Stanford Magazine*, September 22, 2020, <https://stanfordmag.org/contents/politics-scholar-omar-wasow-on-protests-violence-and-the-media>). Following the Unite the Right rally in Charlottesville, Virginia, a lab experiment found that when anti-racist protesters used violence, it reduced support for their cause and increased support for white supremacists they were fighting (see Brent Simpson, Robb Willer, and Matthew Feinberg, “Does Violent Protest Backfire? Testing a Theory of Public Relations to Activist Violence,” *Socius: Sociological Research for a Dynamic World* 4, (2018), <https://doi.org/10.1177/2378023118803189>). Thus, aside from the moral problems of violence, it is actually more effective for groups to eschew support for violence in order to build the broad-based coalitions that will allow them to achieve their social goals.
- 132 The full poem continues:
Then they came for the trade unionists
And I did not speak out
Because I was not a trade unionist
Then they came for the Jews
And I did not speak out
Because I was not a Jew
Then they came for me
And there was no one left
To speak out for me.

Carnegie Endowment for International Peace

The Carnegie Endowment for International Peace is a unique global network of policy research centers around the world. Our mission, dating back more than a century, is to advance peace through analysis and development of fresh policy ideas and direct engagement and collaboration with decisionmakers in government, business, and civil society. Working together, our centers bring the inestimable benefit of multiple national viewpoints to bilateral, regional, and global issues.

Democracy, Conflict, and Governance Program

The Democracy, Conflict, and Governance Program rigorously analyzes the global state of democracy, conflict, and governance; the interrelationship among them; and international efforts to overcome political polarization, reduce violence and democratic backsliding, strengthen election integrity, promote anti-corruption policies, and mitigate conflict.



 **CARNEGIE**
ENDOWMENT FOR
INTERNATIONAL PEACE

CarnegieEndowment.org