



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

January 6, 2026

The Honorable Mike Johnson  
Speaker of the House  
521 Cannon House Office Building  
Washington, DC 20515

The Honorable John Thune  
Senate Majority Leader  
511 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Hakeem Jeffries  
House Minority Leader  
2267 Rayburn House Office Building  
Washington, DC 20515

The Honorable Chuck Schumer  
Senate Minority Leader  
322 Hart Senate Office Building  
Washington, DC 20510

Dear Speaker Johnson, Majority Leader Thune, Minority Leader Jeffries and Minority Leader Schumer,

I write in recognition of the fifth anniversary of the January 6, 2021 assault on the United States Capitol. The perseverance of our nation depends on us acknowledging the significance of the events that culminated on that day, and resisting attempts to whitewash, misconstrue, or trivialize the gravity of the Capitol insurrection and President Trump's actions which took our democracy to the brink of disaster. I urge Congress to prioritize the development of a comprehensive long-term plan to rebuild and protect our democracy, which Donald Trump has continued to erode from within since returning to office last January.

### **The Attack**

Five years ago today, President Trump incited a violent insurrection against the Constitution by repeatedly promoting a series of lies that the 2020 presidential election was stolen, which led to the storming of the Capitol.<sup>1</sup> Nothing in the president's statements could be farther from the truth. As was found in a court of law, President Trump, "[k]nowing of the potential for violence, and having actively primed the anger of his extremist supporters,...called for strength and action on January 6, 2021."<sup>2</sup> He incited a violent insurrection at the United States Capitol<sup>3</sup> by a mob who believed they were following his

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<sup>1</sup> See H.R. Rep. No. 117-663 (2022)

(<https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf>); Campaign Legal Ctr., *Results of Lawsuits Regarding the 2020 Elections*, <https://campaignlegal.org/results-lawsuits-regarding-2020-elections> (last visited Dec. 18, 2025).

<sup>2</sup> *Anderson v. Griswold*, No. 2023-CV-32577, 2023 WL 8006216 at \*42 (Colo. Dist. Ct. Nov. 17, 2023) (Trial Order).

<sup>3</sup> *Id.* at \*21.

orders.<sup>4</sup> According to the Capitol Police union, more than 100 Capitol Police officers were injured.<sup>5</sup> Dozens of DC Metropolitan Police officers were injured during the attack as well.<sup>6</sup> The injuries to law enforcement officers included “concussions, swollen ankles and wrists, bruises, and irritated lungs from pepper spray. Officers were pushed down stairs, trampled and punched.”<sup>7</sup> And tragically, five police officers who were at the Capitol on the day of the attack died in the days following.<sup>8</sup> The Washington DC Fire and Emergency Medical Services, “reported 22 EMS responses, 14 EMS transports, including two cardiac arrests and two critical injury transports.”<sup>9</sup> One member of the mob was fatally shot by a police officer defending<sup>10</sup> members of Congress at the Capitol.<sup>11</sup> The bipartisan Select Committee to Investigate the January 6th Attack on the United States Capitol (Select Committee) presented evidence that members of the Proud Boys—one extremist group among Trump’s mob of supporters—would have assassinated then-Vice President Mike Pence and other members of government, including former Speaker of the House Nancy Pelosi, if given the chance.<sup>12</sup>

The damage of the January 6th attack can not only be measured in injuries and death toll, but in dollars and destruction as well. According to the non-partisan Government Accountability Office, the attack cost taxpayers about \$2.7 billion, including “damage to the Capitol building and grounds, costs borne by the Capitol Police, the District of Columbia, and federal agencies, and estimated costs to address security needs and investigations.”<sup>13</sup>

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<sup>4</sup> Norman Eisen et al., *Trump on Trial: A Model Prosecution Memo for Federal Election Interference Crimes* 77 (2d ed. 2023),

<https://www.justsecurity.org/wp-content/uploads/2023/07/model-prosecution-memo-january-6th-election-interference-just-security-july-2023-v2.pdf> (citing Ben Collins & Brandy Zadrozny, Proud Boys celebrate after Trump’s debate callout, NBC NEWS (last updated Sept. 30, 2020);

<https://www.nbcnews.com/tech/tech-news/proud-boys-celebrate-after-trump-s-debate-callout-n1241512>.

<sup>5</sup> Suzie Ziegler, *Police Union: Over 140 officers injured in Capitol siege*, Police1 (Jan. 28, 2021),

<https://www.police1.com/officer-safety/articles/police-union-over-140-officers-injured-in-capitol-siege-NSi5xcp1s1sIELYv/>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> H.R. Rep. No. 117-663 (2022) at 711

(<https://www.govinfo.gov/content/pkg/GPO-I6-REPORT/pdf/GPO-I6-REPORT.pdf>).

<sup>9</sup> *Id.*

<sup>10</sup> Rich Schapiro et al., *Officer who shot Ashli Babbitt during Capitol riot breaks silence: 'I saved countless lives'*, NBC News (Aug. 26, 2021),

<https://www.nbcnews.com/news/us-news/officer-who-shot-ashli-babbitt-during-capitol-riot-breaks-silence-n1277736>.

<sup>11</sup> U.S. Dep’t of Just., *Department of Justice Closes Investigation into the Death of Ashli Babbitt* (Apr. 14, 2021),

<https://www.justice.gov/usao-dc/pr/departement-justice-closes-investigation-death-ashli-babbitt>.

<sup>12</sup> NPR, *Here’s every word of the third Jan. 6 committee hearing on its investigation*, (June 16, 2022),

<https://www.npr.org/2022/06/16/1105683634/transcript-jan-6-committee>; Affidavit of FBI Special Agent Melissa Ammons in support of Complaint at 6, *United States v. Pezzola*, No. 1:21-mj-00047 (D.D.C. Jan. 13, 2021), Dkt. No. 1-1 (<https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/Dominic%20Pezzola%20Affidavit%20in%20Support%20of%20Criminal%20Complaint.pdf>); Norman Eisen et al., *Trump on Trial: A Model Prosecution Memo for Federal Election Interference Crimes* 77 (2d ed. 2023),

<https://www.justsecurity.org/wp-content/uploads/2023/07/model-prosecution-memo-january-6th-election-interference-just-security-july-2023-v2.pdf> (citing Teo Armus & Rachel Weiner, *QAnon Shaman’s note to Pence cited as evidence of ‘assassination’ plot before prosecutors walk back claim*, Wash. Post (Jan. 15, 2021),

<https://www.washingtonpost.com/nation/2021/01/15/qanon-shaman-trump-kill-pardon/>).

<sup>13</sup> Mike Gooding, *Jan. 6 Capitol riot: Law enforcement didn’t share critical information, report says*, 13 News Now (July 25, 2023),

<https://www.13newsnow.com/article/news/crime/cost-of-capitol-riot-january-6/291-6fb5117e-dea1-4631-a76a-76e87b268bfd>; U.S. Gov’t Accountability Off., GAO-23-106625, *CAPITOL ATTACK: Federal Agencies Identified Some*

After inciting the attack, President Trump stood by for 187 minutes and allowed a mob that included would-be cop-killers and potential assassins to storm the seat of one branch of our government.<sup>14</sup> Now, President Trump has granted clemency to every person convicted of participating in the January 6th insurrection, including commuting the sentences of 14 individuals, 13 of whom were members of the Oath Keepers and the Proud Boys, several of whom had been convicted of seditious conspiracy and assaulting law enforcement officers.<sup>15</sup> In total, Trump issued pardons to approximately 1,500 people, including Enrique Tarrio, the former Proud Boys chairman who had been sentenced to 22 years in prison for seditious conspiracy, and other charges.<sup>16</sup> In October, one of the president's pardoned insurrectionists was charged with threatening to kill Minority Leader Hakeem Jeffries.<sup>17</sup>

### **The Unprecedented Threat to Democracy**

As terrible as the violence of January 6th was, it is painfully evident that the human casualties and the physical damage to our nation's Capitol were not the full scope of the tragedy that day. Our nation, and our democracy, suffered. In response, my organization, Citizens for Responsibility and Ethics in Washington (CREW)—a non-partisan, non-profit organization committed to ensuring the integrity of our democratic institutions—brought civil litigation to hold insurrectionists accountable under the Constitution.<sup>18</sup> Section 3 of the 14th Amendment, also known as the Disqualification Clause, bars any person from holding federal or state office who took an “oath...to support the Constitution of the United States”

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Threats, but Did Not Fully Process and Share Information Prior to January 6, 2021 (2023)

(<https://www.gao.gov/assets/gao-23-106625.pdf>).

<sup>14</sup> Norman Eisen et al., *Trump on Trial: A Model Prosecution Memo for Federal Election Interference Crimes* 170-73 (2d ed. 2023),

<https://www.justsecurity.org/wp-content/uploads/2023/07/model-prosecution-memo-january-6th-election-interference-just-security-july-2023-v2.pdf>.

<sup>15</sup> Pres. Mem., *Granting Pardons and Commutation of Sentences for Certain Offenses Relating to the Events at or Near the United States Capitol on January 6, 2021*, (Jan. 20, 2025),

<https://www.whitehouse.gov/presidential-actions/2025/01/granting-pardons-and-commutation-of-sentences-for-certain-offenses-relating-to-the-events-at-or-near-the-united-states-capitol-on-january-6-2021/>; U.S.

Dep't of Just., *Jury Convicts Four Leaders of the Proud Boys of Seditious Conspiracy Related to U.S. Capitol Breach* (May 4, 2023),

<https://www.justice.gov/archives/opa/pr/jury-convicts-four-leaders-proud-boys-seditious-conspiracy-related-us-capitol-breach>; U.S. Dep't of Just., *Four Additional Oath Keepers Sentenced for Seditious Conspiracy Related to U.S. Capitol Breach* (June 2, 2023),

<https://www.justice.gov/archives/opa/pr/four-additional-oath-keepers-sentenced-seditious-conspiracy-related-us-capitol-breach>.

<sup>16</sup> Tom Dreisbach, *Criminal records of Jan. 6 rioters pardoned by Trump include rape, domestic violence*, NPR (Jan. 30, 2025), <https://www.npr.org/2025/01/30/nx-s1-5276336/donald-trump-jan-6-rape-assault-pardons-rioters>;

U.S. Dep't of Just., *Proud Boys Leader Sentenced to 22 Years in Prison for Seditious Conspiracy and Other Charges Related to U.S. Capitol Breach* (Sept. 5, 2023),

<https://www.justice.gov/archives/opa/pr/proud-boys-leader-sentenced-22-years-prison-seditious-conspiracy-and-other-charges-related>.

<sup>17</sup> Scott MacFarlane, *Pardoned Capitol rioter charged with threatening to kill Hakeem Jeffries at NYC event this week*, CBS News (Oct. 25, 2025),

<https://www.cbsnews.com/news/pardoned-capitol-rioter-charged-threatening-hakeem-jeffries-nyc-trump/>.

<sup>18</sup> CREW, *Lawsuit filed to remove Trump from ballot in CO under 14th Amendment* (Sept. 6, 2023),

<https://www.citizensforethics.org/news/press-releases/lawsuit-filed-to-remove-trump-from-ballot-in-co-under-14th-amendment/>; CREW, *Lawsuit filed to remove Couy Griffin from office* (last updated Feb. 16, 2023),

<https://www.citizensforethics.org/legal-action/lawsuits/lawsuit-filed-to-remove-couy-griffin-from-office/>.

and then “engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.”<sup>19</sup> In 2022, CREW filed a lawsuit on behalf of three New Mexico residents, asserting that New Mexico County Commissioner Couy Griffin disqualified himself from public office by violating Section 3 of the 14th Amendment.<sup>20</sup> Following a two-day trial, the Court ruled that “the January 6, 2021 attack on the United States Capitol and the surrounding planning, mobilization, and incitement constituted an ‘insurrection’ within the meaning of Section Three of the Fourteenth Amendment.”<sup>21</sup> The Court further ruled that Griffin “engaged in” that insurrection, after taking an oath to support the Constitution, by mobilizing, inciting and then joining the mob that attacked the Capitol on January 6.<sup>22</sup> As a result, the Court concluded that Griffin is constitutionally ineligible and barred for life from holding office in the United States—the first successful trial to enforce Section 3 of the 14th Amendment in more than 150 years.<sup>23</sup>

Following the *Griffin* decision, CREW filed a lawsuit in 2023 representing six Republican and unaffiliated Colorado voters, including former state, federal and local officials, asserting that Donald Trump disqualified himself from public office by violating Section 3 of the 14th Amendment.<sup>24</sup> Our clients’ complaint alleged that because Donald Trump violated his oath to “preserve, protect and defend the Constitution of the United States” by recruiting, inciting and encouraging a violent mob that attacked the Capitol on January 6, 2021 in a futile attempt to remain in office, he was constitutionally ineligible to serve as president and thus could not appear on Colorado’s presidential primary ballot. The Colorado Supreme Court agreed.<sup>25</sup> Unfortunately, in a procedural decision that did not reach the merits of his conduct, the U.S. Supreme Court permitted Donald Trump to remain on the ballot when it held that *the states* were not empowered to enforce the 14th Amendment’s Disqualification Clause against “federal officeholders and candidates.”<sup>26</sup> Notably, however, the Supreme Court did not disturb the trial court’s finding that Donald Trump “engaged in insurrection” against the Constitution.<sup>27</sup>

The bipartisan January 6th Committee found that Trump’s repeated false statements about the election, despite being rebutted by his White House and DOJ lawyers, led to the violence on January 6, 2021.<sup>28</sup> In fact, every fact finder that heard evidence in a court or

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<sup>19</sup> U.S. Const. amend. XIV, § 3.

<sup>20</sup> CREW, *Lawsuit filed to remove Couy Griffin from office* (last updated Feb. 16, 2023),

<https://www.citizensforethics.org/legal-action/lawsuits/lawsuit-filed-to-remove-couy-griffin-from-office/>.

<sup>21</sup> *N.M. ex rel. White v. Griffin*, No. D-101-CV-2022-00473, 2022 WL 4295619, at \*17 (N.M. Dist. Sept. 6, 2022).

(<https://www.citizensforethics.org/wp-content/uploads/2022/09/D101CV202200473-griffin.pdf>)

<sup>22</sup> *Id.* at 16.

<sup>23</sup> CREW, *The Couy Griffin Case: Frequently Asked Questions* (Oct. 6, 2022),

<https://www.citizensforethics.org/news/analysis/the-couy-griffin-case-frequently-asked-questions/> (citing

Aaron Blake, *Effort to bar Jan. 6 figures from office notches historic win. What now?*, Wash. Post (Sept. 6, 2022),

<https://www.washingtonpost.com/politics/2022/09/06/couy-griffin-fourteenth-amendment-insurrection/>).

<sup>24</sup> CREW, *Lawsuit filed to remove Trump from ballot in CO under 14th Amendment* (Sept. 6, 2023),

<https://www.citizensforethics.org/news/press-releases/lawsuit-filed-to-remove-trump-from-ballot-in-co-under-14th-amendment/>.

<sup>25</sup> *Anderson v. Griswold*, 543 P.3d 283 (Colo. 2023).

<sup>26</sup> *Trump v. Anderson*, 601 U.S. 100, 106 (2024).

<sup>27</sup> *Id.* at 107.

<sup>28</sup> H.R. Rep. No. 117-663 (2022) (<https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf>);

Lisa Desjardins, *Key takeaways from the Jan. 6 committee report summary*, PBS (Dec. 19, 2022),

<https://www.pbs.org/newshour/politics/the-key-findings-and-criminal-referrals-from-the-jan-6-committee-report-summary>.

administrative hearing about President Trump's conduct related to January 6th found that he incited an insurrection arising from his fallacious attacks on the integrity of the 2020 election.<sup>29</sup>

As egregious as President Trump's conduct was on January 6, 2021, the Select Committee's investigation revealed stunning evidence that January 6th was the culmination of a calculated and multifaceted effort to overturn the 2020 election.<sup>30</sup> In 2023, CREW experts partnered with Brookings, Just Security and independent legal experts to co-author a report which explained how Trump worked with lawyers and others on a wide variety of schemes, including creating false electoral certificates that were submitted to Congress.<sup>31</sup> Trump's apparent objective was to have Vice President Mike Pence in his presiding role on that day either block Congress from recognizing Joe Biden's win at all or at least delay the electoral count.<sup>32</sup> When Pence refused, President Trump incited an insurrection delaying the transfer of power for the first time in American history.<sup>33</sup>

Attempts were made in courts and in Congress to hold Donald Trump accountable to the Constitution. To that end, President Trump was impeached by the House of Representatives by a bipartisan vote of 232 to 197 for inciting insurrection.<sup>34</sup> At the time of the impeachment, then-Senate Minority Leader Mitch McConnell stated that Donald Trump was "morally responsible for provoking the events of the day" and suggested that he likely was also criminally and civilly liable for his actions surrounding the insurrection.<sup>35</sup> Unfortunately, "after briefing and debate on the question of whether the Senate had jurisdiction over a former President for acts that occurred during his tenure in office," the Senate narrowly failed to hold him accountable. Although a majority—57 Senators—voted to convict, he was allowed to escape accountability despite a majority of both chambers of Congress concluding that he violated his oath to the Constitution by inciting insurrection.<sup>36</sup>

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<sup>29</sup> CREW, *Trump was disqualified for insurrection in the only three states that heard evidence* (Feb. 6, 2024), <https://www.citizensforethics.org/reports-investigations/crew-reports/trump-was-disqualified-for-insurrection-in-the-only-two-states-that-actually-heard-evidence/>; "Clean Rolls, Secure Elections: Reviewing Voter List Maintenance Standards," Hearing Before the H. Admin. Comm, 119th Cong. (statement of Donald K. Sherman), <https://www.citizensforethics.org/wp-content/uploads/2025/07/House-Admin-Statement-Voting-Rolls.pdf>.

<sup>30</sup> See H.R. Rep. No. 117-663 (2022)

(<https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf>); Norman Eisen et al., *Trump on Trial: A Model Prosecution Memo for Federal Election Interference Crimes* (2d ed. 2023),

<https://www.justsecurity.org/wp-content/uploads/2023/07/model-prosecution-memo-january-6th-election-interference-just-security-july-2023-v2.pdf>.

<sup>31</sup> Norman Eisen et al., *Trump on Trial: A Model Prosecution Memo for Federal Election Interference Crimes* (2d ed. 2023),

<https://www.justsecurity.org/wp-content/uploads/2023/07/model-prosecution-memo-january-6th-election-interference-just-security-july-2023-v2.pdf>.

<sup>32</sup> *Id.* at 65-72.

<sup>33</sup> *Id.* at 72-102.

<sup>34</sup> Weiyi Cai et al., *Impeachment Results: How Democrats and Republicans Voted*, N.Y. Times (Jan. 13, 2021), <https://www.nytimes.com/interactive/2021/01/13/us/politics/trump-second-impeachment-vote.html>.

<sup>35</sup> Morgan Watkins, *Mitch McConnell: Donald Trump still liable in court for actions surrounding Jan. 6 riot*, Courier J. (Feb. 13, 2021),

<https://www.courier-journal.com/story/news/politics/mitch-mcconnell/2021/02/13/mcconnell-trump-liable-court-jan-6-riot-violence/4477326001/>.

<sup>36</sup> Cons. Annotated, *ArtII.S4.4.9 President Donald Trump and Impeachable Offenses*,

[https://constitution.congress.gov/browse/essay/artII-S4-4-9/ALDE\\_00000035/#ALDE\\_00000411](https://constitution.congress.gov/browse/essay/artII-S4-4-9/ALDE_00000035/#ALDE_00000411) (last visited Dec. 18, 2025).

Following the impeachment effort, criminal<sup>37</sup> and civil<sup>38</sup> lawsuits were filed around the country.

### **Trump's Second Term: Apparently Unconstrained by his Oath to the Constitution**

All of this background leads us to today. Having been reelected President of the United States, Donald Trump has demonstrated from the outset of his second term the dangers of allowing an oath-breaking insurrectionist to return to power. Throughout his second term, President Trump has taken numerous actions demonstrating why the framers of the 14th Amendment were so concerned with oath-breaking insurrectionists returning to office. The president's actions since returning to power suggest that after calling for the "termination" of the Constitution,<sup>39</sup> he feels unbound and unconstrained by the Constitution, the rule of law or historical norms. Among a litany of constitutionally dubious actions, blatant examples include the weaponization of government actions against so-called political enemies, Trump's usurpation of Congress's power of the purse, his attacks on the civil service, his administration's defiance of court orders, his self-dealing, profiteering and violations of the Constitution's emoluments clauses, as well as his apparent efforts to interfere with and sabotage upcoming elections.

### **Weaponization of Government and Intimidation through Vitriolic Rhetoric**

Since returning to the Oval Office, President Trump has sought to intimidate and weaponize government and law enforcement against perceived political opponents. NBC News recently reported that President Trump's inflammatory rhetoric towards his perceived enemies has led to a surge in threats against at least 22 officials on both sides of the political aisle.<sup>40</sup> The weaponization of criminal indictments has been particularly striking. Trump personally pressured the Department of Justice to investigate New York Attorney General Letitia James, whose office brought a successful civil lawsuit against Trump requiring him, the Trump Organization and his business associates to pay more than \$450 million in penalties.<sup>41</sup> Crucially, the indictment of James was brought against the advice of career prosecutors.<sup>42</sup> But the James indictment is not alone. The Justice Department also indicted

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<sup>37</sup> Lawfare, *The Trump Trials*, <https://www.lawfaremedia.org/projects-series/archived-projects/the-trump-trials> (last visited Dec. 18, 2025).

<sup>38</sup> Alan Feuer, *As Jan. 6 Criminal Cases Against Trump Fizzle, Civil Cases Plod Ahead*, N.Y. Times (Dec. 6, 2024), <http://nytimes.com/2024/12/06/us/politics/trump-jan-6-civil-cases.html>.

<sup>39</sup> Lauren White & Lama Elsharif, *9 out of 10 Republicans silent on Trump's calls to terminate the Constitution*, CREW (Apr. 25, 2023), <https://www.citizensforethics.org/reports-investigations/crew-reports/9-out-of-10-republicans-silent-on-trumps-calls-to-terminate-the-constitution/>.

<sup>40</sup> Dareh Gregorian & Jiachuan Wu, *Trump attacks on political opponents spur a surge of threats*, NBC News review finds, NBC News (Dec. 13, 2025), <https://www.nbcnews.com/politics/donald-trump/trump-attacks-political-opponents-spur-surge-threats-nbc-news-review-f-rcna247201>.

<sup>41</sup> Hugo Lowell, *Federal prosecutors open criminal investigation into New York attorney general*, Guardian (May 8, 2025), <https://www.theguardian.com/us-news/2025/may/08/trump-fbi-investigation-letitia-james>; Peter Charalambous et al., *Trump officials pressuring federal prosecutors to bring criminal charges against NY AG Letitia James: Sources*, ABC News (Sept. 17, 2025), <https://abcnews.go.com/US/trump-officials-pressuring-federal-prosecutors-bring-criminal-charges/story?id=125636577>.

<sup>42</sup> Dareh Gregorian et al., *Judge dismisses cases against James Comey and Letitia James after finding prosecutor was unlawfully appointed*, NBC News (Nov. 24, 2025),

former FBI Director James Comey,<sup>43</sup> who has been an outspoken Trump critic.<sup>44</sup>

Similarly, the Trump administration is engaged in a sustained, and deeply dangerous, effort to threaten and delegitimize our federal judges—putting at risk the backbone of the American justice system. Rather than admit that some of the administration’s legal arguments might lack weight, President Trump and his allies have targeted judges who have issued decisions they disagree with using explosive rhetoric like “radical Left lunatic,” “troublemaker and agitator,” “radical rogue judges” and spoken of a supposedly ongoing “judicial coup.”<sup>45</sup> President Trump has referred to judges who ruled against him as “USA HATING JUDGES” and “MONSTERS.”<sup>46</sup> These personal attacks coincide with what the United States Marshals Service (USMS)—the entity primarily in charge of judicial security—has identified as a “‘new normal’ of highly volatile behavior” and “verified threats against federal judges.”<sup>47</sup> Indeed, in fiscal year 2025 alone, USMS identified 564 threats against 396 judges.<sup>48</sup>

All of this is happening at the same time that President Trump has sent the National Guard to Washington DC and other cities around the nation.<sup>49</sup> For a president who failed to use the National Guard to quell the the January 6th attack on the Capitol, Trump’s deployment of the National Guard now is, at best, an intimidation tactic against political opponents, and at worst should be understood as an attempt to normalize the deployment of military personnel in our streets for potential future antidemocratic or election-sabotage efforts.<sup>50</sup>

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<https://www.nbcnews.com/politics/justice-department/judge-dismisses-cases-james-comey-letitia-james-finding-prosecutor-was-rcna244775>; Alanna Durkin Richer & Eric Tucker, *US attorney under pressure to charge Letitia James in mortgage fraud case has resigned*, AP News (Sept. 19, 2025), <https://apnews.com/article/justice-department-letitia-james-siebert-trump-9ec1a96c05fa77d8acc558bd803622a2>.

<sup>43</sup> Michael Kosnar & Maya Rosenberg, *Judge orders Justice Department to return data used to indict James Comey*, NBC News (Dec. 13, 2025),

<https://www.nbcnews.com/politics/justice-department/judge-orders-justice-department-return-data-used-indict-james-comey-rcna249039>.

<sup>44</sup> Maggie Haberman, *Trump and Comey: An Escalating Conflict With No Off-Ramp*, N.Y. Times (Sept. 29, 2025), <https://www.nytimes.com/2025/09/29/us/politics/trump-comey-escalating-conflict.html>.

<sup>45</sup> Nina Totenberg, *Trump calls for the impeachment of a judge, as lawsuits pile up*, NPR (Mar. 18, 2025), <https://www.npr.org/2025/03/18/nx-s1-5332086/trump-lawsuits>; Nicholas Riccardi, ‘Radical rogue judges’ targeted by Trump administration as legal setbacks pile up: ‘Judges have no authority to administer the executive branch’, *Fortune* (Mar. 17, 2025),

<https://fortune.com/2025/03/17/radical-rogue-judges-targeted-trump-administration-legal-setbacks/>; Luke Broadwater, *Trump Officials Intensify Attacks on Judges as Court Losses Mount*, N.Y. Times (May 29, 2025), <https://www.nytimes.com/2025/05/29/us/politics/trump-judges-attacks-tariffs.html>.

<sup>46</sup> Donald J. Trump (@realDonaldTrump), Truth Social (May 26, 2025, at 7:22 ET), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

<sup>47</sup> Oversight of the United States Marshals Service: Hearing Before the Subcomm. on Crime & Fed. Gov’t Surveillance of the H. Comm. on the Judiciary, 118th Cong., at 7 (statement of Ronald Davis, Director, U.S. Marshals Service),

<https://www.congress.gov/118/meeting/house/116837/witnesses/HHRG-118-JU08-Wstate-DavisR-20240214.pdf>.

<sup>48</sup> U.S. Marshals Serv., *Protective Investigations – Threat Statistics* (last visited Dec. 19, 2025), <https://www.usmarshals.gov/what-we-do/judicial-security/protective-investigations-threat-statistics>; Bolch Jud. Inst., *Judges Under Siege: Threats, Disinformation, and the Decline of Public Trust in the Judiciary*, (Aug. 8, 2024), <https://judicialstudies.duke.edu/2024/08/judges-under-siege-threats-disinformation-and-the-decline-of-public-trust-in-the-judiciary/>.

<sup>49</sup> Kayla Epstein, *Why is Trump deploying the National Guard to US cities?*, BBC (Nov. 27, 2025), <https://www.bbc.com/news/articles/cwy9z7yg2n7o>.

<sup>50</sup> Miles Parks, *How could Trump interfere in the midterms? Here's what voting officials are watching*, NPR (Nov. 21, 2025),

## Usurping Congress's Power of the Purse

The president's assault on the Constitution has undermined one of Congress's most fundamental powers and checks on the executive branch—the authority to appropriate funds for the federal government.<sup>51</sup> While Congress may give the president some discretion regarding *how* to implement the programs for which it appropriates money, in general, the executive branch does not have discretion over *whether* to implement such programs. Put simply, it is illegal and contrary to our constitutional structure for the president to disobey appropriations acts duly enacted after Congress publicly considers and determines funding levels for the federal government.

Nevertheless, since the first day of his second term in office, President Trump and his administration have flagrantly sought to usurp Congress's spending power in violation of the Constitution and the Impoundment Control Act of 1974,<sup>52</sup> which establishes the limited circumstances and procedures under which the president can temporarily withhold congressionally appropriated funds.<sup>53</sup> President Trump has issued multiple executive orders<sup>54</sup> directing agencies to “pause” funding appropriated by Congress, and Ranking Member of the House Appropriations Committee Rosa DeLauro and Vice Chair of the Senate Appropriations Committee Patty Murray have estimated that the Trump administration has unilaterally blocked hundreds of billions of dollars of federal funding, subverting the intent of Congress, thereby subverting a key constitutional requirement.<sup>55</sup> President Trump has encroached on Congress's power of the purse to carry out his personal agenda by, for instance, targeting congressionally appropriated funding for the watchdog for federal

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<https://www.npr.org/2025/11/21/nx-s1-5599934/2026-trump-midterm-election-ballots-voting-national-guard>; Gov. Gavin Newsom, *Six times Trump didn't take over a state guard* (June 12, 2025),

<https://www.gov.ca.gov/2025/06/12/six-times-trump-didnt-take-over-a-state-guard/>.

<sup>51</sup> U.S. Const., art. I, § 9, cl. 7; U.S. Gov't Accountability Off., *Principles of Federal Appropriations Law*, GAO-16-463SP, at 1-7 (4th ed. 2016) (<https://www.gao.gov/assets/2019-11/675699.pdf>); see also Pub. L. No. 118-50, 138 Stat. 895 (2024) (emergency supplemental appropriations act).

<sup>52</sup> Pub. L. No. 93-344, 88 Stat. 297 (1974).

<sup>53</sup> CREW, *Re: Potential Impoundment Control Act violations* (Jan. 27, 2025),

<https://www.citizensforethics.org/wp-content/uploads/2025/01/Letter-to-Congress-Potential-Impoundment-Control-Act-Violations.pdf>.

<sup>54</sup> Exec. Order No. 14,169, “Reevaluating And Realigning United States Foreign Aid,” 90 Fed. Reg. 8619 (Jan. 20, 2025) (<https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02091.pdf>); Exec. Order No. 14,154,

“Unleashing American Energy,” 90 Fed. Reg. 8353 (Jan. 20, 2025)

(<https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01956.pdf>); Exec. Order No. 14,159, “Protecting the American People Against Invasion,” 90 Fed. Reg. 8443 (Jan. 20, 2025)

(<https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02006.pdf>).

<sup>55</sup> House Appropriations Committee Democrats, *NEW: 100 Days In, Trump is Blocking At Least \$430 Billion Dollars in Funding Owed to American People* (Apr. 29, 2025),

<https://democrats-appropriations.house.gov/news/press-releases/new-100-days-trump-blocking-least-430-billion-dollars-funding-owed-american> (Press Release); see also House Appropriations Committee Democrats, *Trump's Unprecedented Funding Freeze Hits Communities Across America*,

<https://democrats-appropriations.house.gov/trumps-unprecedented-funding-freeze-hits-communities-across-america> (last visited Dec. 18, 2025) (Tracker).

inspectors general,<sup>56</sup> sanctuary cities,<sup>57</sup> financial assistance to South Africa<sup>58</sup> and programs that do not reflect the president's views on gender.<sup>59</sup> And the administration has attempted to shield from the public other funding data that could have revealed these actions and other unlawful withholdings, removing a statutorily required website with funding information until a court ordered the administration to comply with the law.<sup>60</sup> Simply put, the Trump administration's usurpation of Congress's power of the purse and role in our constitutional structure has been astounding. CREW has already successfully litigated to oppose the administration's attempts to shield Congress and the public from its unilateral usurpation of taxpayer funds.<sup>61</sup>

### Attacks on the Civil Service

Similarly, President Trump has also taken sweeping unilateral action to transform and reduce the federal workforce, without a clear congressional mandate. On the very day President Trump was sworn in, he signed a series of executive orders, including one aimed at upending the merit-based civil service by stripping employment protections away from thousands of career civil servants and setting the stage to replace them with political loyalists more likely to prioritize blind obedience over following the law, leading to a government more prone to corruption.<sup>62</sup> The Trump administration followed up with an April 23, 2025, notice of proposed rulemaking from the U.S. Office of Personnel Management creating a new "Schedule Policy/Career" category for employees in "policy-influencing

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<sup>56</sup> CREW, *Lawsuit filed to protect crucial watchdogs from Trump-Vance administration assault* (Dec. 17, 2025), <https://www.citizensforethics.org/legal-action/lawsuits/lawsuit-filed-to-protect-crucial-watchdogs-from-trump-vance-administration-assault/>.

<sup>57</sup> Memorandum from the Att'y Gen., *Sanctuary Jurisdiction Directives*, U.S. Dep't of Just. (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388531/dl?inline> (explaining that the Department would ensure that "sanctuary jurisdictions" do not receive access to Federal funds from the Department," and that it would "[p]ause" payments to organizations that provide services to removable individuals); Exec. Order No. 14,287, "Protecting American Communities From Criminal Aliens," 90 Fed. Reg. 18761 (Apr. 28, 2025) (<https://www.govinfo.gov/content/pkg/DCPD-202500533/pdf/DCPD-202500533.pdf>).

<sup>58</sup> Exec. Order No. 14,204, "Addressing Egregious Actions of the Republic of South Africa," 90 Fed. Reg. 9497 (Feb. 7, 2025) (<https://www.govinfo.gov/content/pkg/FR-2025-02-12/pdf/2025-02630.pdf>).

<sup>59</sup> Exec. Order No. 14,201, "Keeping Men Out of Women's Sports," 90 Fed. Reg. 9279 (Feb. 5, 2025) (<https://www.govinfo.gov/content/pkg/FR-2025-02-11/pdf/2025-02513.pdf>); see also Exec. Order No. 14,168, "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," 90 Fed. Reg. 8615 (Jan. 20, 2025)

(<https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02090.pdf>) ("Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.").

<sup>60</sup> CREW, *CREW sues Trump administration for hiding federal spending information from the public* (last updated Sept. 19, 2025), <https://www.citizensforethics.org/legal-action/lawsuits/crew-sues-trump-administration-for-hiding-federal-spending-information-from-the-public/>.

<sup>61</sup> CREW, *Court orders Trump administration to restore public federal spending database* (July 21, 2025), <https://www.citizensforethics.org/news/press-releases/court-orders-trump-administration-to-restore-public-federal-spending-database/>.

<sup>62</sup> Exec. Order, 14,171, "Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce," 90 Fed. Reg. 8627 (Jan. 20, 2025) (<https://www.govinfo.gov/content/pkg/FR-2025-01-31/pdf/2025-02095.pdf>); Office of Personnel Mgmt., *Memorandum from Acting Director Charles Ezell to Heads and Acting Heads of Departments and Agencies on Guidance on Implementing President Trump's Executive Order titled, Restoring Accountability To Policy-Influencing Positions Within the Federal Workforce* (Jan. 27, 2025), <https://www.opm.gov/chcoc/latest-memos/guidance-on-implementing-president-trump-s-executive-order-titled-restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce.pdf>.

positions”<sup>63</sup> facilitating the mass firings of civil servants.<sup>64</sup> Along with these suspect policy changes, President Trump cleared significant room in the federal workforce to fill positions with loyalists by using a variety of tactics, including unlawful<sup>65</sup> buyouts<sup>66</sup> and administrative “reductions in force” to cut roughly 250,000 workers from the federal government over the course of the last year.<sup>67</sup>

Through these actions, Donald Trump has taken direct aim at good government norms and protections enshrined in the Civil Service Reform Act of 1978.<sup>68</sup> The merit-based civil service system was created by Congress to replace its predecessor, the spoils system, under which politicians would put political cronies,<sup>69</sup> who often lacked the knowledge or expertise to fulfill their jobs, in positions of power. Federal employment was based on party loyalty and patronage rather than merit and expertise—a system that was so corrupt and anti-democratic that Congress abolished it in 1883 with the passage of the Pendleton Act.<sup>70</sup>

By removing career staff who are essential to carrying out government functions and implementing programs required by statute, President Trump is essentially using reductions in the federal workforce as a method of subverting the intent of Congress.

### Defiance of Court Orders

Another constitutional principle that President Trump and his administration have attacked is the separation of powers—including, crucially, the requirement that the executive branch complies with judicial decisions and orders. While the federal government is complying with the overwhelming majority of court orders, even if their compliance is sometimes egregiously slow,<sup>71</sup> senior Trump administration officials have refused to rule out the possibility of court order defiance and have even challenged the authority of district

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<sup>63</sup> Notice of Proposed Rule: Improving Performance, Accountability and Responsiveness in the Civil Service, RIN 3206-AO80, 90 Fed. Reg. 17182 (proposed Apr. 23, 2025).

<sup>64</sup> CREW comment on proposed rule: Improving Performance, Accountability and Responsiveness in the Civil Service, RIN 3206-AO80, 90 Fed. Reg. 17182 (Apr. 23, 2025),

<https://www.citizensforethics.org/wp-content/uploads/2025/06/OPM-Schedule-F-Rule-2025-1.pdf>.

<sup>65</sup> See 5 U.S.C. § 3522.

<sup>66</sup> Sacha Heymann, *What you need to know about DOGE and the limits of its authority*, CREW (Apr. 23, 2025),

<https://www.citizensforethics.org/reports-investigations/crew-investigations/what-you-need-to-know-about-doge-and-the-limits-of-its-authority/>.

<sup>67</sup> Jacob Leibenluft et al., *Administration's Abuse of Layoff Powers Shows Need for Congressional Action*, Ctr. Budget & Pol’y Priorities (Dec. 15, 2025),

<https://www.cbpp.org/research/federal-budget/administrations-abuse-of-layoff-powers-shows-need-for-congressional-action>.

<sup>68</sup> Off. of Personnel Mgmt., *Reference Materials, Historical Chronology* (last visited Dec. 18, 2025),

<https://www.opm.gov/policy-data-oversight/performance-management/reference-materials/#url=Historical-Chronology>.

<sup>69</sup> Gabe Lezra & Diamond Brown, *FAQ: The conservative attack on the merit-based civil service*, CREW (Jan. 25, 2024),

<https://www.citizensforethics.org/news/analysis/faq-the-conservative-attack-on-the-merit-based-civil-service/>.

<sup>70</sup> Pendleton Civil Service Reform Act, Pub. L. 47-27, 22 Stat. 403 (1883).

<sup>71</sup> Steve Vladeck, *Bonus 176: Law, Lawlessness, and Doomerism*, One First (Sept. 4, 2025),

<https://www.stevevladeck.com/p/bonus-176-law-lawlessness-and-doomerism>.

courts to issue orders in the first place.<sup>72</sup> Members of Congress have taken this a step further, calling for the impeachment and removal from the bench of judges who rule against the administration.<sup>73</sup>

This is not mere bluster. In the first six months since President Trump returned to the White House, the administration defied one or more court order in at least 12 court cases.<sup>74</sup> This number is likely much higher because in many circumstances litigants are struggling to marshal the evidence to prove what we know to be the case—that the administration is violating court orders. They just can't prove it yet. Perhaps the most notorious example of court order defiance came in March 2025—only two months into the Trump administration—when a Maryland father, Kilmar Abrego Garcia, was deported to the infamously brutal Terrorist Confinement Center (CECOT) in El Salvador despite a 2019 order from an immigration judge prohibiting his removal to that country.<sup>75</sup> After nine weeks of public pressure and a unanimous Supreme Court order requiring the government to "facilitate" Mr. Garcia's return, he was eventually brought back to the United States in June 2025.<sup>76</sup> But according to the plaintiffs, for nearly eight of those nine weeks, in addition to defying the Supreme Court's order, the government also refused to comply with the district court's expedited discovery requests concerning what, if anything, the government had been doing to comply with the order to facilitate Mr. Garcia's return.<sup>77</sup> Together, this resulted in, what plaintiffs allege was, an "elaborate, all-of-government effort to defy court orders."<sup>78</sup>

Whether the executive branch intended to defy court orders in *Abrego Garcia* is almost beyond the point. Because it is the mere threat, or impression, of court order defiance that is detrimental to our constitutional structure. It shows not only disregard for the courts as a co-equal branch of government, but also a lack of fidelity to our constitutional design.

### Corruption and Emoluments Clause Violations

Perhaps the most obvious and unapologetic example of President Trump's defiance of the Constitution is his rampant self-dealing and resulting violations of the Constitution's Domestic and Foreign Emoluments clauses, which bar the president from accepting

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<sup>72</sup> Erica Orden, *Trump's nominee for solicitor general won't rule out ignoring court orders in 'extreme cases'*, Politico (Feb. 26, 2025),

<https://www.politico.com/live-updates/2025/02/26/congress/trumps-nominee-for-solicitor-general-00206266>; Video posted by CSPAN (@CSPAN), X (Mar. 17, 2025, at 15:54 ET), <https://x.com/cspan/status/1901723856152285503>.

<sup>73</sup> Jill Colvin, *Vance and Musk attack judicial authority as Trump's agenda gets pushback from courts*, PBS (Feb. 9, 2025),

<https://www.pbs.org/newshour/politics/vance-and-musk-attack-judicial-authority-as-trumps-agenda-gets-pus> [hback-from-courts](https://www.pbs.org/newshour/politics/vance-and-musk-attack-judicial-authority-as-trumps-agenda-gets-pus); Ryan Tarinelli, *Senate panel sets up hearing on impeachments of 'rogue judges'*, Roll Call (Dec. 2, 2025), <https://rollcall.com/2025/12/02/senate-panel-sets-up-hearing-on-impeachments-of-rogue-judges/>.

<sup>74</sup> Protect Democracy, *The Trump administration's conflict with the courts, explained* (Oct. 2, 2025),

<https://protectdemocracy.org/work/the-trump-administrations-conflict-with-the-courts-explained/>.

<sup>75</sup> Laura Romero et al., *Timeline: Wrongful deportation of Kilmar Abrego Garcia to El Salvador*, ABC News (Dec. 11, 2025),

<https://abcnews.go.com/US/timeline-wrongful-deportation-kilmar-abrego-garcia-el-salvador/story?id=120803843>.

<sup>76</sup> *Id.*

<sup>77</sup> Plaintiffs' Motion for Discovery Sanctions, *Abrego Garcia v. Noem*, No. 8:25-CV-00951 (D. Md. June 11, 2025).

<sup>78</sup> Plaintiffs' Opposition to Request for Stay, *Abrego Garcia v. Noem*, No. 8:25-CV-00951 (D. Md. June 8, 2025).

payments from federal, state or foreign governments.<sup>79</sup> Although conflicts of interest marred President Trump's first term in office, they have only accelerated one year into his second.<sup>80</sup>

President Trump reported making more than \$1.6 billion in outside revenue and income during his first term,<sup>81</sup> including up to \$160 million from international business dealings,<sup>82</sup> and he likely benefited from \$13.6 million in payments from foreign governments.<sup>83</sup> All told, CREW's analysis identified more than 3,700 conflicts of interest between his presidential duties and private interests in his first four years in office.<sup>84</sup> Some of these conflicts of interest resulted in repeat violations of both the Domestic and Foreign Emoluments clauses.<sup>85</sup> In response to these violations, CREW represented clients, including the attorneys general of Maryland and the District of Columbia, in two lawsuits seeking to stop President Trump's improper acceptance of emoluments while in office. Two federal appeals courts issued decisions in CREW's favor, but, after President Trump was defeated and begrudgingly left office, the Supreme Court dismissed the cases without resolving the underlying legal issues.<sup>86</sup>

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<sup>79</sup> Robert Maguire & Rebecca Jacobs, *Trump likely benefited from \$13.6 million in payments from foreign governments during his presidency*, CREW (Sept. 17, 2024), <https://www.citizensforethics.org/reports-investigations/crew-reports/trump-likely-benefited-from-13-6-million-in-payments-from-foreign-governments-during-his-presidency/>.

<sup>80</sup> See, e.g., Ctr. Am. Progress, *Trump's Take*, <https://www.americanprogress.org/feature/trumps-take/> (last visited Dec. 18, 2025); Campaign Legal Ctr., *Trump's Corrupt Transactions* (Nov. 20, 2025), [https://campaignlegal.org/sites/default/files/2025-11/CLC\\_Corruption\\_Tracker\\_Nov20.pdf](https://campaignlegal.org/sites/default/files/2025-11/CLC_Corruption_Tracker_Nov20.pdf).

<sup>81</sup> Jordan Libowitz & Caitlin Moniz, *Trump reported making more than \$1.6 billion while president*, CREW (Feb. 22, 2021), <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-reported-making-more-than-1-6-billion-while-president/>.

<sup>82</sup> Rebecca Jacobs & Robert Maguire, *Trump made up to \$160 million from foreign countries as president*, CREW (Apr. 13, 2023), <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-made-up-to-160-million-from-foreign-countries-as-president/>.

<sup>83</sup> Robert Maguire & Rebecca Jacobs, *Trump likely benefited from \$13.6 million in payments from foreign governments during his presidency*, CREW (Sept. 17, 2024), <https://www.citizensforethics.org/reports-investigations/crew-reports/trump-likely-benefited-from-13-6-million-in-payments-from-foreign-governments-during-his-presidency/>.

<sup>84</sup> CREW, *President Trump's legacy of corruption, four years and 3,700 conflicts of interest later* (Jan. 15, 2021), <https://www.citizensforethics.org/reports-investigations/crew-reports/president-trump-legacy-corruption-3700-conflicts-interest/>.

<sup>85</sup> Robert Maguire & Rebecca Jacobs, *Trump likely benefited from \$13.6 million in payments from foreign governments during his presidency*, CREW (Sept. 17, 2024), <https://www.citizensforethics.org/reports-investigations/crew-reports/trump-likely-benefited-from-13-6-million-in-payments-from-foreign-governments-during-his-presidency/>.

<sup>86</sup> See CREW, *CREW v. Donald J. Trump* (last updated Jan. 25, 2021), <https://www.citizensforethics.org/legal-action/lawsuits/crew-v-donald-j-trump/>; CREW, *DC and Maryland sue President Trump on emoluments* (last updated Jan. 25, 2021), <https://www.citizensforethics.org/legal-action/lawsuits/dc-md-trump-emoluments/>.

Since his return to office, President Trump's profiteering has only become more blatant. He has utilized personal lawsuits,<sup>87</sup> his inauguration fund,<sup>88</sup> his presidential library,<sup>89</sup> the construction of a White House ballroom<sup>90</sup> and other vehicles to extract wealth and fealty from companies and individuals with business before the government.<sup>91</sup> At the same time, these "donors" have received executive branch positions, ambassadorships, pardons and administrative favor.<sup>92</sup> More than any other president before him, President Trump has blurred the lines between actions taken for his own personal gain and the policies and priorities of his administration.

Many of President Trump's second term conflicts of interests include gifts and investments from foreign actors, raising significant national security concerns. Notable examples include acceptance of a \$400 million jumbo jet from Qatar as the White House announced an agreement with the country to "generate an economic exchange worth at least \$1.2 trillion," and a \$2 billion deposit by a firm run by a senior United Arab Emirates (UAE) official into the Trump-affiliated company, World Liberty Financial, just 2 weeks before the U.S. signed a deal allowing the UAE access to highly coveted advanced computing chips.<sup>93</sup> CREW is also tracking 23 Trump-branded real estate projects that will be developed in foreign countries during this term, including in Qatar and the UAE.<sup>94</sup>

Since the 2024 election, one analysis projects that the Trump family has made over \$1.8 billion from selling the presidency, not including an additional increase of \$7.5 billion in net worth over the last two years from crypto ventures alone.<sup>95</sup> President Trump's corruption during his second term is a clear indication that the American people cannot be sure whether the decisions of the president and his administration are being made in the public interest or for the sake of his self-enrichment. CREW is committed to exposing these conflicts and pursuing accountability for these abuses whenever possible.

## Election Sabotage

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<sup>87</sup> Cerys Davies, *YouTube, Disney and Meta have all settled. Inside President Trump's \$90-million payday*, L.A. Times (Oct. 1, 2025),

<https://www.latimes.com/entertainment-arts/business/story/2025-10-01/youtube-latest-company-to-settle-wit-h-trump-disney-paramount-meta-90-million>.

<sup>88</sup> Campaign Legal Ctr., *Trump's Corrupt Transactions* (Nov. 20, 2025),

[https://campaignlegal.org/sites/default/files/2025-11/CLC\\_Corruption\\_Tracker\\_Nov20.pdf](https://campaignlegal.org/sites/default/files/2025-11/CLC_Corruption_Tracker_Nov20.pdf).

<sup>89</sup> Office of Sen. Warren, *Press Release: New Warren Report Exposes Potential Trump Corruption, Bribery Through Presidential Library Donations* (July 15, 2025),

<https://www.warren.senate.gov/newsroom/press-releases/new-warren-report-exposes-potential-trump-corruption-bribery-through-presidential-library-donations>.

<sup>90</sup> Diana Nerozzi & Jacob Wendler, *Tech, crypto, tobacco, other companies fund Trump's White House ballroom*, Politico (Oct. 23, 2025), <https://www.politico.com/news/2025/10/23/trump-ballroom-donors-list-00620230>.

<sup>91</sup> See Campaign Legal Ctr., *Trump's Corrupt Transactions* (Nov. 20, 2025),

[https://campaignlegal.org/sites/default/files/2025-11/CLC\\_Corruption\\_Tracker\\_Nov20.pdf](https://campaignlegal.org/sites/default/files/2025-11/CLC_Corruption_Tracker_Nov20.pdf).

<sup>92</sup> See *id.*

<sup>93</sup> *Id.* at 25-26.

<sup>94</sup> Walker Davis, *Twenty-three Trump-branded real estate projects will be developed in foreign countries during Trump's presidency*, CREW (last updated Nov. 21, 2025),

<https://www.citizensforethics.org/reports-investigations/crew-reports/trump-foreign-development-tracker/>.

<sup>95</sup> Ctr. Am. Progress, *Trump's Take*, <https://www.americanprogress.org/feature/trumps-take/> (last visited Dec. 18, 2025)

Perhaps the most concerning example of President Trump's continued attacks on the Constitution are his ongoing attempts to sabotage our elections with illegal, unconstitutional missives. In a March 2025 Executive Order (EO), entitled "Preserving and Protecting the Integrity of American Elections,"<sup>96</sup> President Trump attempted to decree unilateral changes to elections, adopting new requirements to voter registration, federalizing list maintenance, reviewing certification of voting machines and changing ballot deadlines. Each of these actions would individually create additional illegal and unnecessary burdens on voters, and together amount to a full assault on our electoral system and the ability of states to run truly free and fair elections where every eligible voter is able to cast a ballot that counts. President Trump, who only four years earlier tried to overturn an election he lost, holds himself out as having the authority to take these actions, but the president has no role in running elections in this country. What he is trying to do with this EO is nothing short of an attempt to usurp the constitutional powers of the states and Congress.

The Elections Clause of the Constitution is clear: the states prescribe the "Times, Places and Manner of holding Elections" and Congress "may at any time by Law make or alter such Regulations."<sup>97</sup> Presidential interference in this process is not expressly permitted in the Constitution. Courts have recognized this extreme overreach by President Trump, enjoining provisions of his March 2025 EO, recognizing that "[b]ecause our Constitution assigns responsibility for election regulation to the States and to Congress, ...the President lacks the authority to direct such changes."<sup>98</sup> As a federal court recently found in *California v. Trump*, "[a]llowing the President to change election rules and procedures on [his] whim whenever [he] see[s] fit, without any input from election administrators charged with executing those rules and without the checks and balances provided by Congress, would be equivalent to dropping an anvil onto the carefully balanced scales of justice."<sup>99</sup> CREW has filed amicus briefs on behalf of a bipartisan group of former secretaries of state opposing the administration's illegal intrusion in state administration of elections, and attempts to coerce states to turn over their voter rolls, most recently in California and Oregon.<sup>100</sup>

## **Conclusion**

On this fifth anniversary of the January 6, 2021 assault on the Capitol, we must acknowledge that the attack on our Constitution was not a single event. President Trump returned to office without being held accountable for his conduct that contributed to the insurrection. Without making light of the tragic attack on our Capitol, and our country, which took place five years ago, it is fair to say that, today, President Trump is leading a different kind of siege against our Constitution and our democracy. Without a plan to

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<sup>96</sup> Exec. Order 14,248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005 (Mar. 25, 2025) (<https://www.govinfo.gov/content/pkg/FR-2025-03-28/pdf/2025-05523.pdf>).

<sup>97</sup> U.S. Const. Art. I, § 4, cl. 1.

<sup>98</sup> *League of United Latin Am. Citizens v. Exec. Off. of the President*, 1:25-cv-00946, 2025 WL 3042794 at \*1 (D.D.C. Oct. 31, 2025).

<sup>99</sup> *California v. Trump*, 786 F.Supp.3d 359, 391 (D. Mass. June 13, 2025).

<sup>100</sup> CREW, *CREW files amicus briefs on behalf of former secretaries of state on election EO* (Apr.16, 2025), <https://www.citizensforethics.org/legal-action/legal-complaints/crew-files-amicus-brief-on-behalf-of-former-secretaries-of-state-on-election-EO/>; CREW, *CREW files amicus briefs in support of states' refusal to turn over voter rolls to DOJ* (Dec. 9, 2025), <https://www.citizensforethics.org/legal-action/amicus-briefs/crew-files-amicus-briefs-in-support-of-states-refusal-to-turn-over-voter-rolls-to-doj/>.

establish appropriate and effective safeguards, the United States is at risk of never again being an accountable and responsive democracy.

Now is the time to reimagine our system and develop the sweeping reforms that are necessary to reverse the damage done, protect constitutional rights and establish a truly transparent, ethical and accountable government. Fortunately, we do not have to start from scratch. Bills have been introduced in this chamber that would make a good start to this endeavor, such as the *Protecting Our Democracy Act*<sup>101</sup> and the *For the People Act*.<sup>102</sup> Also, we greatly appreciate, and look forward to working with members, on bills like Ranking Member Raskin's and Representative Debbie Wasserman Schultz's legislation clarifying enforcement of Section 3 of the Fourteenth Amendment and establishing a civil action to adjudicate and bar officeholding insurrectionists from returning to office.<sup>103</sup> However, over the last year, we have learned that these measures are necessary but not sufficient. The threats facing our democracy have changed dramatically since 2021, and so must our legislative strategy, and our resolve to pursue reform. We must expand our perspective to identify and implement solutions to the varied attacks on the very essence of American democracy that we are witnessing daily: How can we stop the weaponization and manipulation of government functions by political actors? What steps are needed to reinstate checks and balances in our system? Will people be held accountable for their anti-democratic abuses?

A comprehensive long term plan to rebuild important democratic tenants will need all of the protectors of democracy to unite. CREW and our partners look forward to working with Congress to think boldly about what this moment in history demands to successfully revitalize our constitutional democracy. The time is now.

Sincerely,



Donald K. Sherman  
Executive Director and Chief Counsel  
Citizens for Responsibility and Ethics in Washington

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<sup>101</sup> H.R. 5048, 118th Cong. (2023) (<https://www.congress.gov/bill/118th-congress/house-bill/5048>).

<sup>102</sup> H.R. 1, 117th Cong. (2021) (<https://www.congress.gov/bill/117th-congress/house-bill/1>).

<sup>103</sup> Rep. Raskin, *Press Release: Raskin and Wasserman Schultz Working on Legislation to Adjudicate and Bar Officeholding Insurrectionists from Returning to Office* (Mar. 5, 2024), <https://raskin.house.gov/2024/3/raskin-and-wasserman-schultz-working-on-legislation-to-adjudicate-and-bar-officeholding-insurrectionists-from-returning-to-office>.