



NCLA

2025
Annual
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ALL aBOARD

Dear Friends and Supporters,

NCLA has enjoyed our first year in beautiful new offices in Arlington, Virginia. Having everyone on the same floor and having a space built out to our own specifications has boosted the team's productivity. Having a state-of-the-art studio in which to record our attorneys has upgraded our communications efforts. Plus, we are saving some one million dollars over our first seven years versus staying downtown. We hope you will stop by and see us—perhaps when you come to town for NCLA's Tenth Anniversary Gala on September 24, 2026!

We had a banner year for exceptional new hires in 2025. These include our first CFO, a new Vice President of Communications and Marketing, first studio manager, new Director of Development, first Manager of Foundation Relations, new Director of Engagement, new office manager, new executive assistant, two new paralegals, and four new attorneys. In addition, we had our first internal promotion to Senior Litigation Counsel (Congrats, Kara!). That brings us up to 15 attorneys strong (not counting Philip and me). We were also pleased to persuade Eugene Meyer, the former President of the Federalist Society, to join us part time in an important counselor role.

This past year was NCLA's first year operating during a Republican administration following a Democrat administration against which we filed numerous cases. Although we sued the Trump Administration more than a dozen times during his first term in 2017-20 (e.g., over the nationwide eviction moratorium), some of our newer supporters were not accustomed to seeing that. But as a principled opponent of unlawful administrative power, rest assured that NCLA will support those lawful uses of administrative power that are justified and oppose those unlawful uses that violate the Constitution.

And so NCLA has strongly backed President Trump's ability to control who wields the executive power in the branch of government he controls, even though that means he needs the Supreme Court to overturn its 1935 precedent in *Humphrey's Executor v. FTC*. To that end, we have filed *amicus* briefs repeatedly in all-out support of his ability to remove executive officials from: the FTC (*Trump v. Slaughter*), CPSC (*Boyle v. Trump*), NLRB (*Trump v. Wilcox*), MSPB (*Bessent v. Harris*), Office of Special Counsel at the Dept. of Justice (*Bessent v. Dellinger*), and Federal Reserve Board (*Trump v. Cook*). Before the President even took office, NCLA also opposed New York Attorney General Letitia James's abuse of NY's terrible Executive Law in violation of the First Amendment (*People of the State of New York, by Letitia James, Attorney General v. Trump, et al.*).

However, when the Trump Administration attempted to impose emergency tariffs without Congressional authorization NCLA filed the first lawsuit in the nation against the tariffs. We did so on behalf of Emily Ley, a small business owner, in *Simplified v. Trump*. We also filed *amicus* briefs in *V.O.S. Selections v. Trump* at the Federal Circuit Court of Appeals and *Learning Resources v. Trump* at the U.S. Supreme Court when those cases leapfrogged ours. These tariff cases all seek to uphold the principle that only Congress can raise taxes, as the Constitution gives the tariff power to Congress in Article I, Section 8.

As you will read in our report, NCLA had a very productive year settling some of our longest-running cases (e.g., *Vengalattore v. Cornell*); winning other major cases (e.g., our lawsuit against SEC's Board Diversity Rule, *NCPBR v. SEC*); and filing successful *amicus* briefs (including *R.J. Reynolds v. FDA*, in which the U.S. Supreme Court cited NCLA's brief). We also launched a host of new cases like *Issak v. Univ. of Tennessee*, challenging UT's First Amendment-violating Institutional Review Board, and *BASE Access v. National Park Service* (our 100th original case!), in which we contest the agency's criminalization of BASE jumping.

We continue battling government censorship in *Murthy v. Missouri*, where Google's recent admissions vindicate everything NCLA alleged about the censorship-industrial complex. Likewise, Secretary of State Rubio has conceded that the State Department violated the First Amendment in precisely the ways our *The Daily Wire v. State Dept.* lawsuit alleged. And we continue to represent Judge Pauline Newman in what may be the most important case for judicial independence in our time, *Newman v. Moore*. Hers is one of three cases we will be taking to the U.S. Supreme Court on certiorari in the first half of 2026.

Finally, we are extremely grateful and proud to be the first recipient of the Mellor Prize, given by the Institute for Justice and State Policy Network in recognition of a significant litigation victory holding government officials accountable. This prestigious recognition from our peers honors NCLA's crucial role in ending the unconstitutional *Chevron* judicial deference doctrine.

Since 2017 every one of our lawsuits advances the same goal—protecting Americans' civil liberties from lawless bureaucrats. We will begin celebrating our Tenth Anniversary with a Gala in the fall, launching us toward the next decade of proving, once again, that a nimble, strategically minded law firm can take on Leviathan—and win! None of this success would be possible without our brave clients, brilliant and dedicated team, and generous supporters. Thank you for standing with us in the fight for freedom!

Gratefully,

MARK CHENOWETH

PRESIDENT AND CLO

New Civil Liberties Alliance



Photo Courtesy: *Washingtonian's* 500 Most Influential People

TAKING A PRINCIPLED STAND ON TARIFFS

Simplified v. Trump

In early April, NCLA filed the first lawsuit in the nation against the Trump Administration's unlawful International Emergency Economic Powers Act (IEEPA) tariffs. We represent Simplified, a Pensacola-based stationery company owned by entrepreneur Emily Ley, whose planners and related products are subject to the new import tax. Demonstrating NCLA's intellectual leadership, this lawsuit pioneered the essential arguments that other litigants soon adopted to challenge these tariffs.



Photo: Emily Ley, Owner of Simplified (client)

NCLA's briefing emphasized that IEEPA does not authorize (nor even mention) tariffs, because it deals instead with embargoes, asset freezes, and sanctions. We pointed out that the Constitution entrusted control over tariffs to Congress, not the president, and no other president has used IEEPA in this way. We further argued that the Major Questions Doctrine dictates not finding a delegation of tariff authority absent clear statutory language. Finally, we said that reading IEEPA to delegate tariff authority would violate the Nondelegation Doctrine because the statute has no "intelligible principle" limiting the scope of presidential discretion in imposing tariffs.

Within weeks of our lawsuit making national headlines, several other organizations began filing copycat lawsuits against the IEEPA tariffs in other locations, including the Court of International Trade (CIT) and the U.S. District Court for the District of Columbia (DDC). Those cases leapfrogged NCLA's first-filed case when our Pensacola federal judge held—we believe incorrectly—that he lacked jurisdiction to hear Simplified's case. In May, we added apparel companies like Kilo Brava, Bambola, and Kim's Clothes and Fashion, along with the electronics business Rokland, as plaintiffs in the Florida suit.

FIREDISC v. Trump



Photo: FIREDISC, Inc. (client)

In July, NCLA initiated a similar federal lawsuit in Texas on behalf of outdoor grill manufacturer FIREDISC, timber truss producer Ryan Wholesale, and the nonprofit Game Manufacturers Association. Our goal was to bring our arguments before the U.S. Court of Appeals for the Fifth Circuit. But the case was put on hold once the U.S. Supreme Court granted certiorari in *Learning Resources and hand2mind v. Trump* (from DDC) and *Trump v. V.O.S. Selections* (from CIT via the Federal Circuit).

Learning Resources v. Trump and Trump v. V.O.S. Selections



Photo: NCLA President Mark Chenoweth with Steffen Johnson, an appellate lawyer for the business plaintiffs challenging President Trump's tariffs in the V.O.S. Selections case.

NCLA filed powerful *amicus* briefs in the lower courts and at the U.S. Supreme Court in the *Learning Resources* and *V.O.S. Selections* cases, reprising our *Simplified* arguments. At the Supreme Court, we also cataloged how Congress has always used the word 'tariff' in the law when passing actual tariff statutes in the past.



Photo: NCLA President Mark Chenoweth with Rick Woldenberg, CEO of Learning Resources and hand2mind, and Elana Woldenberg Ruffman, VP of Marketing and Product Development at hand2mind

Smirk & Dagger Games v. Trump

The day before the Supreme Court's *Learning Resources* oral argument, NCLA filed a class-action lawsuit against the IEEPA tariffs. Our clients and putative lead plaintiffs include Connecticut's Smirk & Dagger Games, New York's B. Stuyvesant Champagne, and the New York-based mannequin manufacturer Leo D. Bernstein & Sons, all of whom import goods from overseas. Given recent Supreme Court decisions that constrain nationwide injunctions, this lawsuit is a placeholder. It seeks to ensure that whatever remedy the Justices decide on in *Learning Resources* can quickly be applied to all American companies and individuals who have paid the unlawful import tariffs.



Photo: Curt Covert, Owner of Smirk & Dagger Games (client)

DEFENDING PRESIDENT TRUMP'S POWER TO REMOVE FEDERAL OFFICIALS

Bessent v. Dellinger, Trump v. Wilcox, Boyle v. Trump

NCLA has consistently defended the President's constitutional actions in *amicus* briefs, upholding the vital importance of his authority to remove subordinates. His power to dismiss principal officers in Executive Branch agencies must be protected to fulfill his constitutional duty to "take Care that the Laws are faithfully executed." In cases involving the National Labor Relations Board (*Wilcox*), Consumer Product Safety Commission (*Boyle*), and other agencies (e.g., *Dellinger*), NCLA has reinforced the principle that the President retains power to oversee his administration effectively and hold executive officers accountable.



Trump v. Cook, Trump v. Slaughter

In *Trump v. Slaughter*, we urged the Supreme Court to overturn *Humphrey's Executor v. Federal Trade Commission*, the 1935 precedent that erroneously limits the President's removal authority. Our Supreme Court *amicus* brief in *Trump v. Cook* argues the President also has the constitutional power to remove Federal Reserve governors for cause, because the Fed regulates just like other agencies, apart from setting interest rates.



Photo: The Marriner S. Eccles Federal Reserve Board Building, Washington, D.C.



Photo: The Federal Trade Commission Building, Washington, D.C.

Separately, in August, the Appellate Division of the Supreme Court of the State of New York vacated an astonishing \$500 million-plus fine improperly imposed on President Trump in *People of the State of New York v. Trump*. This case, brought by New York Attorney General Letitia James, alleged fraud under a New York Executive Law that punishes defendants for making incorrect business statements—regardless of whether that inaccuracy was intentional or caused any harm. NCLA founder Professor Hamburger has long argued that NY's Executive Law is illegal and must be set aside.

VICTORY! QUASHING DIVERSITY QUOTAS FOR BOARDS OF DIRECTORS

In NCLA's most significant victory since overturning *Chevron* deference, we persuaded the *en banc* U.S. Court of Appeals for the Fifth Circuit to set aside SEC-approved Nasdaq "Board Diversity Rules." These rules imposed quotas based on gender, race, and/or sexual-orientation for corporate board membership among Nasdaq-listed companies. The rules sought to compel companies that failed to meet the quotas to explain why or face delisting from the stock exchange. Much like *Loper Bright/Relentless* last year, the *Alliance for Fair Board Recruitment v. SEC* and *National Center for Public Policy Research v. SEC* cases were decided by a single opinion after separate briefing and divided argument.



NCLA is particularly gratified that the *en banc* Court based its opinion *entirely* on the arguments NCLA advanced on behalf of NCPPR, all-but ignoring (consigned to a footnote) AFBR's capably argued constitutional points. The Securities Exchange Act of 1934 explicitly prohibits SEC from approving rules that regulate matters unrelated to the Act's purposes. Per NCLA's argument, the *en banc* Fifth Circuit held that the race, gender, and/or sexuality of corporate board members has no connection to the Exchange Act's objectives, like promoting free and open markets.

One might ordinarily think that a constitutional win would be bigger, but in this case NCLA made a key strategic decision that a statutory victory would produce a greater impact. By setting a precedent that SEC's organic statute forbids it from regulating outside its statutory purposes, this decision makes future disclosure rules much harder for SEC to promulgate. A decision setting aside the quotas on Equal Protection Clause grounds would have had a much more limited future effect. Indeed, NCLA's victory in this case has already carried over to a separate lawsuit in the Eighth Circuit (in which NCLA also represented NCPPR) against SEC's unlawful rules requiring public companies to make extensive climate-related disclosures.

The CAT that STALKS You

On behalf of Erik Davidson, John Restivo, and NCPPR, our *Davidson, et al. v. Atkins* suit aims to stop SEC's illegal "Consolidated Audit Trail" (CAT). The CAT is the largest government-mandated mass collection of personal financial data in American history. Without any statutory authorization from Congress, SEC is forcing brokers, exchanges, clearing agencies and alternative trading systems to capture and send detailed information on every investor's trades in U.S. markets to a centralized database. SEC and private regulators can access this database forever, but they cannot ensure its security.

Because the CAT seizes investors' private financial data without a warrant and without due process of law, it violates the Fourth and Fifth Amendments. It also forces them to tell the government their private decisions about how they invest or donate their stock, defying the First Amendment. Nineteen states, current and former government officials, including former Attorney General Bill Barr, research organizations, advocacy groups, and litigators have expressed support for our case against the CAT.



CENSORSHIP NEARING A BREAKTHROUGH?

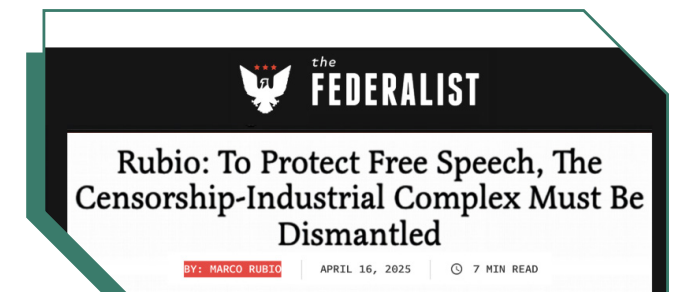
NCLA charged back up the censorship mountain in 2025. It is an uphill battle because the Supreme Court in its June 2024 *Murthy v. Missouri* decision vacated the preliminary injunction against Covid-related censorship NCLA had won for our clients in two lower courts. We believe the Court wrongly concluded that our clients Drs. Jayanta Bhattacharya, Martin Kulldorff, Aaron Kheriaty, and Ms. Jill Hines lacked standing to support the injunction. However, the *Murthy* case was not decided on its merits, three Justices acknowledged that the government's conduct violated the First Amendment, and we were sent back to district court to prove our case.

NCLA has moved forward with the case in the U.S. District Court for the Western District of Louisiana, which granted us additional discovery needed to establish standing for our clients to obtain other relief like a permanent injunction. We remain optimistic about winning on the merits or settling the case on good terms.



Photo: *The Daily Wire* (client)

NCLA achieved another major victory against censorship when Secretary of State Marco Rubio admitted the Biden-era State Department had been complicit in censoring Americans through its Global Engagement Center (GEC). This center financed censorship technology and enterprises that blacklisted domestic news outlets opposing government narratives. Our lawsuit, *The Daily Wire, The Federalist* and *Texas v. Dep't of State*, played a crucial role in exposing the GEC for funding "mis" and "disinformation" tools that suppressed First Amendment-protected speech. NCLA takes credit both for Congress' defunding the GEC and Secretary Rubio's dismantling it.



Additionally, NCLA's official comments persuaded the Federal Energy Regulatory Commission (FERC) to withdraw a Biden-era proposed rule that would have required anyone communicating with FERC—including ordinary citizens—about any topic in its jurisdiction to "submit accurate and factual information and not submit false or misleading information or omit material information." We commend FERC for abandoning this dangerously vague proposal that threatened to chill Americans' essential First Amendment right to submit comments free from threat of liability.

SCOTUS CASES SEEKING CERTIORARI

NCLA represents Choice Refrigerants, an inventor and manufacturer of certain hydrofluorocarbons (HFCs) that are essential refrigeration compounds used in air conditioners and refrigerators. Congress passed a law in 2020 to phase down HFC production. It empowered EPA to distribute a shrinking number of allowances for these critical products. However, Congress did not provide clear guidance to EPA on how to distribute these allowances, violating constitutional restrictions on Congress's power to delegate legislative authority.

As a result, the EPA picks and chooses which companies may produce and import HFCs and how much they can produce. Instead of granting Choice its proper market share in allowances for its own patent-protected products, EPA set aside some allowances for new "disadvantaged" market entrants, gave others to Choice's import agent—and even sent some to a Chinese pirate producer(!). In the end, EPA granted Choice far fewer allowances than it deserved. The U.S. Court of Appeals for the D.C. Circuit regrettably upheld this unfair arrangement. So, NCLA has teamed up with former Solicitor General Paul Clement and his law partner Erin Murphy to petition the Supreme Court in the first part of 2026 to hear the case and overturn EPA's rule as an improper delegation of legislative power.



Photo: Ken Ponder, Owner of Choice Refrigerants (client)



Photo: David Lesh (client)

Of course, a petition for a writ of certiorari is never guaranteed. Last year we sought cert on behalf of skier and entrepreneur David Lesh, who was convicted of operating a snowmobile outside of a designated route on U.S. Forest Service (USFS) lands. Mr. Lesh was denied a jury trial for this "petty offense" even though the Sixth Amendment guarantees a jury trial for "all" criminal prosecutions. Initially he was sentenced to six months' probation, 160 hours of community service, and a \$10,000 fine. The Supreme Court denied certiorari, but NCLA had at least persuaded the U.S. Court of Appeals for the Tenth Circuit to overturn Lesh's simultaneous conviction for engaging in "commerce" on federal land without a permit. The appeals court did not buy USFS's claim that a picture Lesh posted on social media required a work permit. NCLA will look for other opportunities to overturn the Supreme Court precedent denying jury-trial rights for petty offenses.

Fighting SEC's Illegal Gag Rule



Photo: Kara Rollins, Peggy Little (NCLA attorneys); Christopher Rausch, of Cape Gazette, Cassandra Toroian, Thomas Powell (clients)

SEC's 50-year-old "Gag Rule" forbids every American who settles a regulatory enforcement case with SEC from even truthfully criticizing their cases in public for the rest of their lives. Lead plaintiff Thomas Powell and several other NCLA clients have been suing in *Powell, et al. v. SEC* to express their grievances without fear of retribution.

Despite the Ninth Circuit's recent decision to uphold the Gag Rule, NCLA remains determined to right this wrong. We have reteamed with former Solicitor General Greg Garre to petition the Supreme Court in early 2026 to hear our First Amendment challenge to the Gag rule, advocating for those whom SEC has silenced.

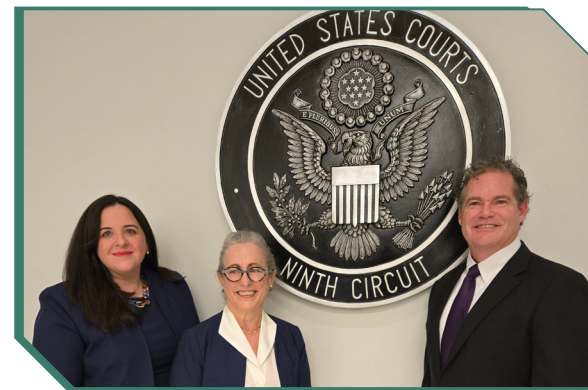


Photo: Kara Rollins, Peggy Little (NCLA attorneys) with Thomas Powell (client)

Judge Newman Will Not Give Up

In *Newman v. Moore*, NCLA has joined forces again with Jonathan Mitchell to ask the Supreme Court to hear our lawsuit challenging the ongoing illegal suspension of Federal Circuit Judge Pauline Newman. Her indefinite, complete suspension is unprecedented in American history, and she must be restored to the bench.



Photo: Judge Pauline Newman (client)

Seizing Crypto Records

Last term we petitioned the Supreme Court in *Harper v. O'Donnell* to reform the "third-party doctrine," which erodes Fourth Amendment protections against government intrusion. The IRS seized financial cryptocurrency records of our client James Harper and many other Americans without probable cause. The Court denied cert but NCLA will stay on top of this issue.

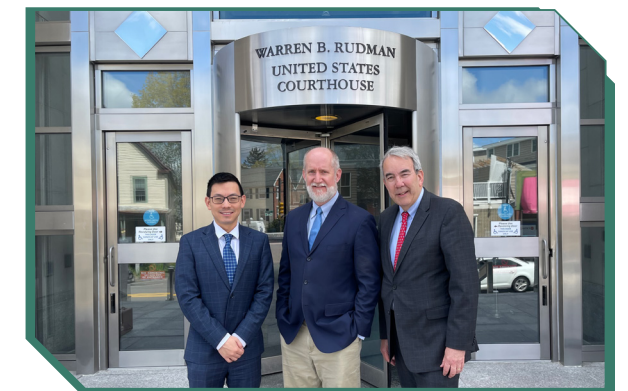


Photo: Jim Harper (center) (client) with Sheng Li and Rich Samp (NCLA attorneys)

SUCCESS COMES IN MANY FORMS



Photo: Dr. Mukund Vengalattore (client)

Dr. Mukund Vengalattore v. Cornell University

Our client Dr. Mukund Vengalattore resolved his Title IX lawsuit against Cornell University, which stemmed from unfounded allegations that impacted his career. Our advocacy has been crucial in fighting for the rights of individuals harmed by unjust accusations.

Cerame v. Slack

At the U.S. Court of Appeals for the Second Circuit, we successfully revived *Cerame v. Slack*, our suit challenging a Connecticut State Bar Rule that restricts attorney speech based on content and viewpoint. This Rule has created an environment of self-censorship among attorneys, undermining their First and Fourteenth Amendment rights.



Photo: Mario Cerame (client)



Photo: Timothy Moynahan (client)



Photo: Rev. Fr. Emmanuel Lemelson (client)



They Can Run, but They Can't Hide from NCLA

In January 2025, we successfully closed a federal lawsuit challenging Public Company Accounting Oversight Board (PCAOB) investigative processes that targeted an anonymous Texas client, John Doe Corporation. NCLA had put forward formidable arguments that these investigative processes are unconstitutional. PCAOB gave up in the face of NCLA's challenge, shutting down its years-long investigation into NCLA's client, which had been conducted without due process of law.

Then in September, in response to an NCLA motion, the SEC dismissed its unconstitutional "follow-on" administrative enforcement prosecution against our client Rev. Fr. Emmanuel Lemelson, which had threatened to bar or suspend him from the securities industry. Our swift action and legal arguments led to a favorable outcome, reinforcing our commitment to justice. PCAOB and SEC may have ended these cases against NCLA clients for fear of being defeated by our arguments that exposed the unconstitutional aspects of their work—and setting court precedents other defendants could use.

We achieved a significant victory in the First Circuit in May, reviving Fr. Lemelson's efforts to compel the SEC to reimburse him for legal fees incurred in successfully defending himself against an earlier SEC prosecution in Massachusetts federal court. Shortly thereafter, the SEC dismissed another related suit against Fr. Lemelson, after NCLA pointed out that the SEC Commissioners had never authorized that lawsuit.



NCLA LAUNCHED SEVERAL EXCITING NEW CASES

Orange Alert: University of Tennessee Stifles Academic Research

NCLA is challenging the University of Tennessee and its Institutional Review Board (IRB) for preventing cultural anthropology Ph.D. student Idil Issak from conducting her important human rights dissertation research in the United Arab Emirates. The University unlawfully restricts the speech of Ms. Issak and other Ph.D. candidates with approved dissertation proposals by requiring them to obtain IRB permission for their proposed research and to prove that it is “culturally appropriate” in the foreign country where it occurs. NCLA is asking the U.S. District Court for the Eastern District of Tennessee to eliminate this prior restraint licensing scheme that prevents valuable research and tramples the First Amendment.



Photo: Idil Issak (client)

Throwing Nets on Unconstitutional Crab Boat Surveillance

The Washington Department of Fish and Wildlife utilizes GPS technology to constantly track the movements of every state-licensed boat that fishes for Coastal Dungeness Crab, regardless of whether it is crabbing or not. The Department sustains this program by mandating fishermen to pay for electronic monitoring systems that they must install on their boats. Building on our *Mexican Gulf* victory against similar devices in the Fifth Circuit, we represent local crab fishing boat Captains Sarah Franey and Brent and Mark Young in a Washington Superior Court lawsuit to end this injustice.



Photo: Sarah Franey (client)

Illegal CPSC Shortcut Means No Lounger for Baby

NCLA also launched a lawsuit challenging the Consumer Product Safety Commission’s (CPSC) mandatory Safety Standard for Infant Support Cushions, which regulates our client Heroes Technology’s Snuggle Me Infant Lounger and approximately 2,000(!) other products. CPSC took a regulatory shortcut to establish this Standard, classifying these products as “durable goods” instead of treating them as textile-based items. This misclassification subjected these products to a far less rigorous rulemaking process than Congress typically requires for consumer product safety standards. As a result, the new regulation forced Heroes Technology to halt production of its immensely popular Infant Lounger. NCLA urges the U.S. Court of Appeals for the D.C. Circuit to vacate the Rule that threatens our client and countless other small businesses.



FOR OUR 100TH CASE WE’RE ALL ABOUT THAT BASE (NO JUMPING!?)

NCLA launched our 100th case in 2025, challenging the National Park Service’s (NPS) criminal ban on BASE jumping in national parks. Congress has unconstitutionally delegated criminal lawmaking power to the NPS, allowing the agency to decide what constitutes a criminal offense within the 85 million acres of public land it oversees. While Congress did ban “air cargo drops” from planes in national parks, construing that law to cover BASE jumpers is a bridge too far. NCLA aims to invalidate this delegation of legislative power and stop the agency from prosecuting BASE jumpers simply for engaging in environmentally friendly recreation.



Photo: Ryan Kempf (center) (client)

AMICUS BRIEFS

In addition to the several *amicus* briefs mentioned earlier involving the President’s ability to fire commissioners at independent agencies, and some dealing with tariffs, NCLA has filed a variety of *amicus* briefs this year defending civil liberties across the country.



As NCLA requested in *American Securities Association v. SEC*, the Eleventh Circuit issued a decision to vacate an unauthorized SEC rule requiring financial industry broker-dealers to fund the agency’s “Consolidated Audit Trail” (CAT). Never approved by Congress, SEC’s CAT forces brokers, exchanges, clearing agencies and alternative trading systems to capture and send detailed information on every investor’s U.S. market trades to a centralized database that SEC, self-regulatory organizations, and outside contractors can access forever. We continue fighting the CAT in our vitally important *Davidson, et al. v. Atkins* case.

In *Cigar Association of America v. FDA*, we urged the D.C. Circuit to reject the “remand without vacatur” legal doctrine, which allows administrative agencies to keep enforcing a rule the court has just deemed unlawful. The D.C. Circuit forbade the FDA from enforcing its Final Deeming Rule regulating tobacco products with respect to premium cigars—but for a different reason, holding that the rule was “arbitrary and capricious.”



We voiced our concerns in *Spirit AeroSystems v. Paxton*, urging the Fifth Circuit to stop future enforcement of Texas’s unconstitutional “Right to Examine” statute. This law allows the state attorney general to force any company operating in Texas to hand over its business records or face criminal penalties and the loss of its right to do business, undermining fundamental privacy rights. In May, the Texas Supreme Court found in a different case that this statute allowed companies to seek review of the reasonableness of a request for business records from the attorney general before handing them over. The Fifth Circuit then sent *Spirit AeroSystems* back to district

court for further proceedings in line with that ruling.

In *Missouri v. Trump* (aka *Missouri v. Biden*) we helped convince the Eighth Circuit to halt the Biden scheme to cancel student loan debt illegally. And our contributions also helped block a Kansas law that authorized intrusive warrantless searches of dog training and handling businesses in *Johnson, Hoyt and Covey Find Kennel v. Smith*.

In *FDA v. R.J. Reynolds Vapor Co.*, the Justices affirmed that anyone adversely affected by FDA orders can challenge the agency in court—here a Texas store that sold vaping products. Moreover, Reynolds could join this suit and did not have to sue in its home state. **The majority decision referenced NCLA’s *amicus* brief**, which warned the Court how many other statutes would have their judicial review provisions narrowed if the government’s theory of jurisdiction won here, highlighting how influential our *amicus* briefs can be.



Martin v. U.S. restored a Federal Tort Claims Act suit brought when an FBI SWAT team raided the wrong house. The Supreme Court decided that Congress had created a cause of action for such wrong-house raids, so it unanimously reversed a lower court’s dismissal of the case, marking a significant victory for our friends at The Institute for Justice and an *amicus* win for NCLA.

We also asked the Supreme Court to hear *Walmsley v. Federal Trade Commission* and eliminate the private Horseracing Integrity and Safety Authority’s (HISA) unfettered regulatory enforcement power over the horseracing industry. The Supreme Court granted certiorari, vacated the Eighth Circuit decision that sided with HISA, and remanded the case. In light of the Supreme Court’s disappointing nondelegation decision (despite NCLA’s *amicus* brief) in *Consumers’ Research v. FCC*, we wish our friends at Pacific Legal Foundation leading the *Walmsley* case the best of luck as it continues.



In *Catholic Charities Bureau v. Wisconsin Labor and Industry Review Commission*, NCLA told the Wisconsin Supreme Court that it could not strike the legislative tax exemption for religious nonprofits upheld as valid by a unanimous U.S. Supreme Court just to avoid helping Catholic Charities on remand. Fortunately, the Wisconsin Supreme Court agreed, putting an end to this truly shocking episode of anti-Catholic discrimination by the Administrative State opposed by our friends at Becket.

COMMUNICATIONS & MARKETING

In 2025, NCLA’s communications and marketing team grew its capability to turn complex constitutional litigation into compelling stories. Our in-house studios now deliver broadcast-quality content attuned to the speed of the news cycle.

Our reach—and relevance—grew across traditional channels. TV coverage more than doubled year over year, with 307 mentions, including 14 interviews by major networks like Fox News, CNN, and MSNBC focused on our biggest cases. Beyond volume, we seeded narratives where they matter: dozens of syndicated outlets carried our work with regional, subject-matter targeting. Increased direct reporter relationships resulted in repeat coverage and strengthened the consistency of our message.



Photo: NCLA Senior Litigation Counsel John Vecchione and NCLA General Counsel Zhonette Brown, pre-show

NCLA STUDIOS

Our digital storytelling is in high gear. New series—*Ask the Judge*, *Courtside Commentary*, and the *Unwritten Law* podcast—translate legal doctrines into plain English and are distributed as Shorts and Reels across all social media. On YouTube, views are up 192% and watch time is up 114% over last year’s baseline; recent video releases routinely surpass 1,000 views, 50% above earlier averages. Instagram followers grew 24% and LinkedIn rose 18%; X and YouTube increased by thousands of new subscribers.

The New York Times


A Secretive Court Firing of Fed Official: Takeaways Tariffs Case Pending Illinois Election

NEWS ANALYSIS

Conservative Project at Supreme Court Meets Trump’s Push to Oust Officials

President Trump has repeatedly ousted leaders of independent agencies despite federal laws meant to shield those regulators from politics.

The administration’s position has the backing of former Republican attorneys general Edwin Meese and Michael B. Mukasey and groups such as the Chamber of Commerce and the New Civil Liberties Alliance.



Chief Justice John G. Roberts Jr. and other conservatives on the Supreme Court have embraced the so-called unitary executive theory, which holds that the Constitution vests all executive power in the president and that he must be able to control everything the executive

The Washington Post
Democracy Dies in Darkness

Politics Donald Trump The Fix The Briefs Polling Democracy in America Elections

Meet the small-business owner suing Trump over tariffs

“One minute I was talking about how to make an easy pot roast, and the next minute we’re talking about an international trade war,” Emily Ley said.

May 18, 2025

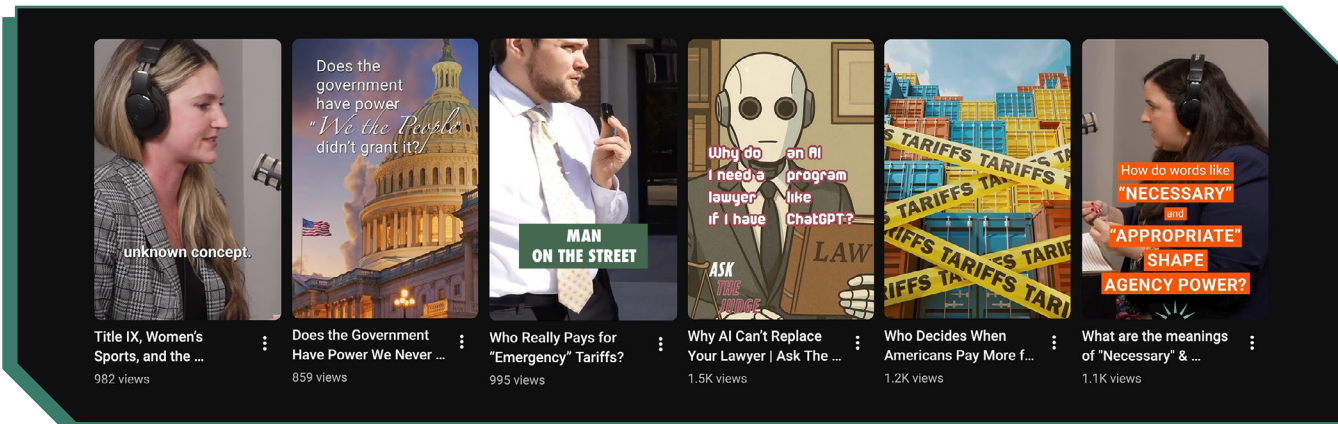
9 min




Photo: NCLA Litigation Counsel Casey Norman



Photo: NCLA Senior Litigation Counsel Peggy Little in the interview room



Screenshot: NCLA YouTube Shorts videos



Photo: NCLA Of Counsel Margot Cleveland, President Mark Chenoweth, and Senior Litigation Counsel John Vecchione, Unwritten Law Podcast



We reinforced owned channels to attract new followers. Website total users are 216K for 2025—a 53% increase. Among other updates, we launched the *Relentless* Working Group page to share articles about the impact of overturning *Chevron* deference in courts and media. We improved email marketing with better segmentation and added two new digital offerings of monthly news and multimedia roundups: NCLA *Briefly* and NCLA VIPs (videos, interviews, and podcasts).

NCLA communications and marketing have become true force multipliers—shaping coverage, educating the public, and boosting the impact of every case we bring against the Administrative State.

The Latest
Supreme Court Hears Trump v. Slaughter

This month, the Supreme Court heard oral argument in *Trump v. Slaughter*, a case challenging *Humphrey's Executor*, the 1935 precedent used to block the President from removing FTC commissioners at will. NCLA urges the Court to overturn that decision and erase the FTC statute's removal restriction, which allows commissioners to be fired only for "inefficiency, neglect of duty, or malfeasance." NCLA lawyers live-covered the argument on X as the Justices confronted the straightforward constitutional rule: principal officers exercising executive power must be removable by the President, and Congress cannot assign that power elsewhere.

[LEARN MORE](#)

NCLA VIPs
 Tune in to NCLA defending your constitutional liberties!
videos, interviews, and podcasts

Constitution Day 2025
the Constitution Needs Good Lawyers

- Our Founding Fathers signed the Constitution to guide America, and it has shaped our nation ever since. At NCLA, it remains our roadmap for defending liberty.
- Our freedoms come from We the People, not from government, and bureaucrats must never steer those liberties off course.
- NCLA was founded to defend the Constitution in court whenever agencies invent new laws or trample your liberties.

[WATCH HERE](#)

ENGAGEMENT

Over the year NCLA's engagement program expanded its outreach to America's top administrative lawyers and scholars, allied groups, and the next generation of leaders. Civil discourse on important constitutional issues has been a hallmark of NCLA programs and is now more important than ever in the current environment of unwillingness to debate and exchange ideas with due decorum.

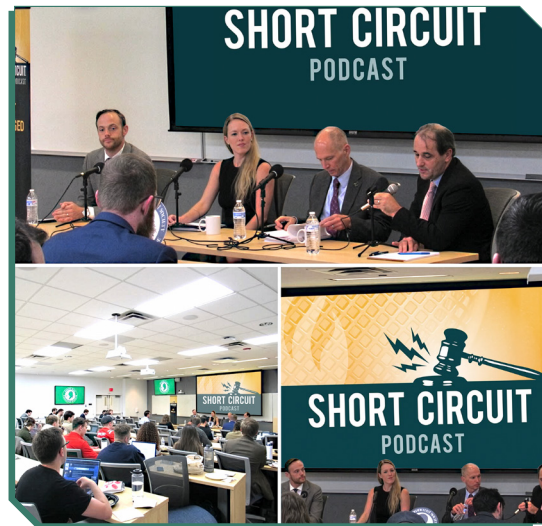


Photo: NCLA Litigation Counsel Casey Norman, panel at George Mason University
 Photo: NCLA's Ginsburg-Scalia Fellows, Hamburger-Frankfurter Debate
 Photo: NCLA President Mark Chenoweth, lecture at The Fund for American Studies
 Photo: NCLA Senior Litigation Counsel John Vecchione, conference on cybersecurity, law, and compliance

NCLA Clerkships

NCLA works to inspire and train the next generation of attorneys. NCLA hosted seven students from Columbia Law School during their spring break to assist our litigators in important research and writing to support our cases. Last summer NCLA welcomed a record thirteen clerks from ten of the nation's top law schools to work alongside our attorneys and learn what it's like to litigate in the public interest through research, writing, and attending hearings and depositions. Law clerks met Judge Chad Readler and Judge Pauline Newman, visited DC Circuit Court Judge Doug Ginsburg in his chambers, and heard directly from clients about the impact of agency abuse.



Photo: NCLA summer clerks, 2025

Ginsburg-Scalia Fellowship

Inspired by the strong friendship between the late Justices Ruth Bader Ginsburg and Antonin Scalia, NCLA's prestigious Ginsburg-Scalia Fellowship entered its fourth year. NCLA hosted 18 Fellows (nine Ginsburg Fellows and nine Scalia Fellows) representing ten prestigious law schools and eleven of the top law firms in Washington, DC for a dinner and a lecture series that covered the latest issues in administrative law. Speakers came from the ranks of the nation's top scholars including NCLA founder Philip Hamburger, Georgetown Law Professor Randy Barnett, University of Virginia Law Professor Aditya Bamzai, The George Washington University Law Professor Renée Lerner, and Adam White, who leads the Boyden Gray Center for the Study of the Administrative State. The program culminated in the annual Hamburger-Frankfurter Debate featuring two prominent constitutional experts, Ron Cass and Ilya Somin, engaged in oral argument and debate on the issue of nationwide injunctions. All gatherings centered around civil discourse on constitutional liberties.



Photo: Professor Lerner addressing the Ginsburg-Scalia Fellows

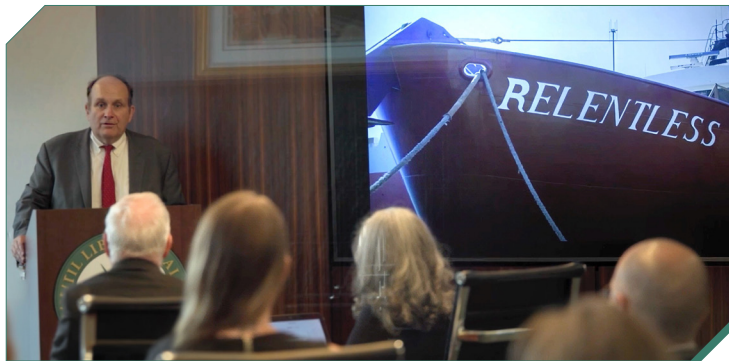


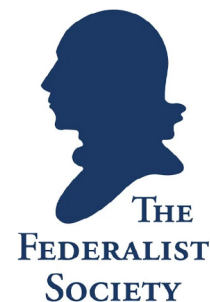
Photo: NCLA Senior Litigation Counsel John Vecchione discusses the Relentless case

NCLA Leads *Relentless* Working Group

Named after our *Relentless* clients in the companion case to *Loper Bright Enterprises v. Raimondo*, in which the Supreme Court overturned *Chevron* deference, NCLA's *Relentless* Working Group brings like-minded people together to exchange ideas and collaborate. Each month, leading attorneys and organizations aligned with NCLA's mission monitor, analyze, and discuss how lower courts are applying this historic ruling.

Emphasizing the "Alliance" in NCLA's Name

As NCLA litigators have amassed significant wins against the Administrative State, they continue to receive invitations to speak at events across the country. These talks discuss their work and debate timely issues in administrative law and foundational constitutional principles. Highlights include John Vecchione's preview of the 2025 Supreme Court term during Cato's 24th Annual Constitution Day Symposium; Margot Cleveland's presentation at Hillsdale College's Constitution Day; Andrew Morris's talk to Columbia Law School's Federalist Society Chapter regarding the constitutionality of Trump's tariffs; and President Mark Chenoweth's remarks for the inaugural Paul Windels III Lecture at The Fund for American Studies.

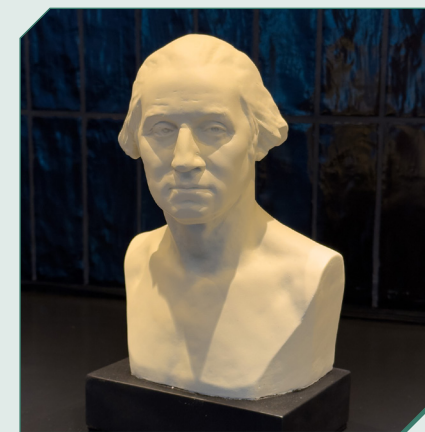


KGIII Awards Ceremony



Each year NCLA awards the King George III Prize as a way of exposing for the public the very real infringements to civil liberties created by the Administrative State. After a record number of votes were cast, former Securities and Exchange Commission Chairman Gary Gensler "won" the King George III Prize for 2024, in part for overseeing construction of SEC's unlawful "Consolidated Audit Trail" (CAT), the largest government-mandated mass collection of personal financial data in American history.

At this year's event, NCLA also recognized with George Washington Awards the courage and work of those who support NCLA in its efforts to limit the size and reach of the Administrative State. The National Center for Public Policy Research won for Client Bravery as a plaintiff in NCLA's case brought against Nasdaq's "Board Diversity Rules." Marc Wheat and Tim Harper of Advancing American Freedom won for Best *Amicus Curiae* Brief in *Davidson v. Gensler*.



Student Note Contest

Former NCLA law clerk Alexander J. Phipps of Antonin Scalia Law School won NCLA's Student Note Competition for his article, "Interpreting the APA's Triggering Provision for Formal Adjudication After *Loper Bright*," published in the *George Mason Law Review*. This award comes with a \$10,000 prize split between the student and the law journal in which the article appears.



Photo: Alexander J. Phipps with NCLA President Mark Chenoweth

DEVELOPMENT A YEAR OF GROWTH

ANGEL KAST

Director of Development

"It's been such a privilege to join the NCLA team. NCLA's landmark victory in defeating *Chevron* and bringing *Murthy v. Missouri*—one of the most important First Amendment cases—up to the Supreme Court are why I knew this was where I needed to be.

NCLA has become the intellectual leader in fighting the Administrative State in the courts. Journalists, partner organizations, and people whose civil rights have been violated know they can turn to NCLA for support.

With demand for our work higher than ever, we needed to grow our Development team. Charles Roelofs, our new Manager of Foundation Relations, and I are proud to join NCLA's fight to protect and defend our Constitution, and we could not do it without the generosity of our supporters. Thank you for all that you do to make our crucial work possible!"



WHAT PEOPLE SAY ABOUT US

"[NCLA] has emerged in recent years as a litigation powerhouse, taking a number of cases challenging agency power that have reached the US Supreme Court."

-Bloomberg Law

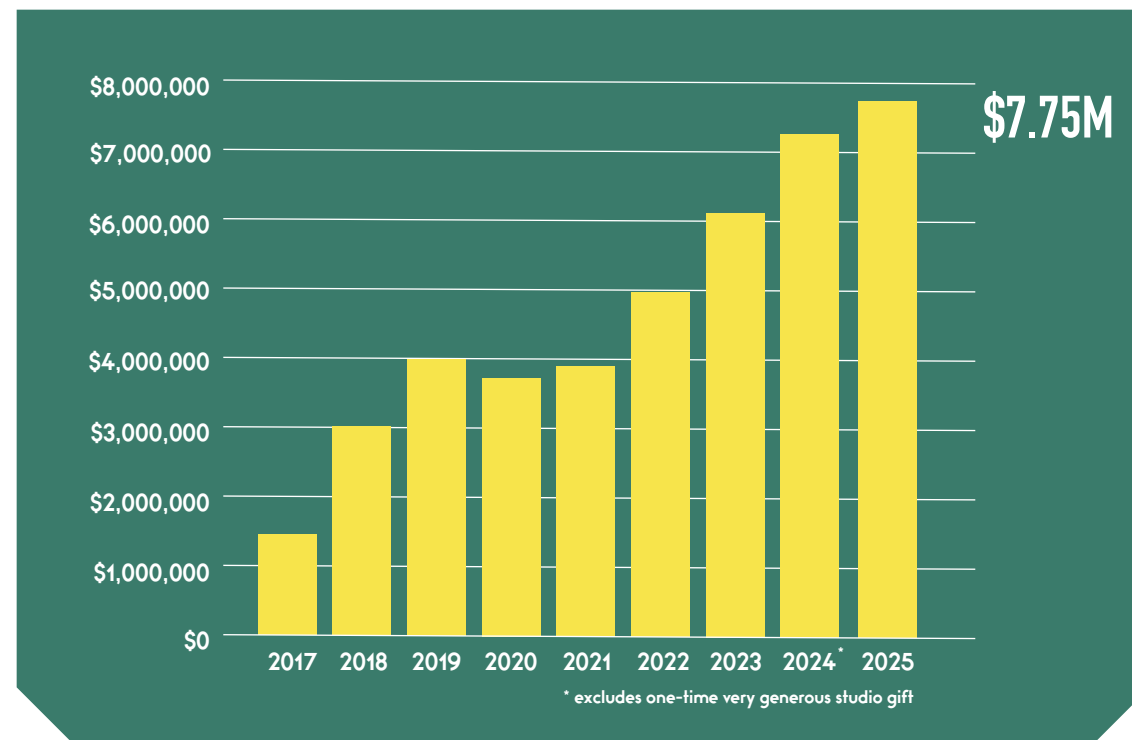
"I just want to point out that the New Civil Liberties Alliance, it is because of you that we have had one of the greatest, I would say the greatest decision of this century that overturned the Chevron doctrine."

-Dagen McDowell, co-host, *The Bottom Line*, Fox Business

"[I] congratulate NCLA for its intellectual consistency in defending the major questions doctrine across the board. Having met [Peggy Little] and some of your colleagues, I'm not surprised but am impressed."

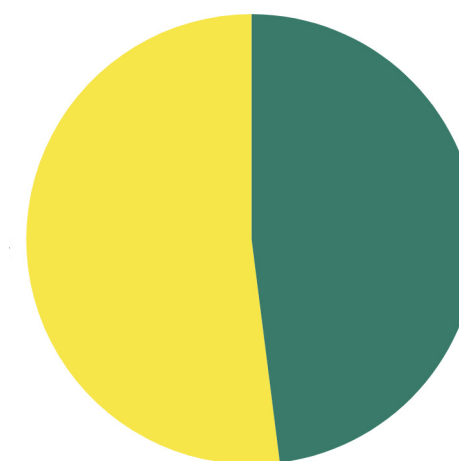
-Floyd Abrams, Premier Litigator and Scholar of First Amendment

Donations Increase Over the Years



Individual and Foundation Contributions

52% Individuals



48% Foundations

83%

of funds were used for legal representation, communications, and field operations

OUR TEAM



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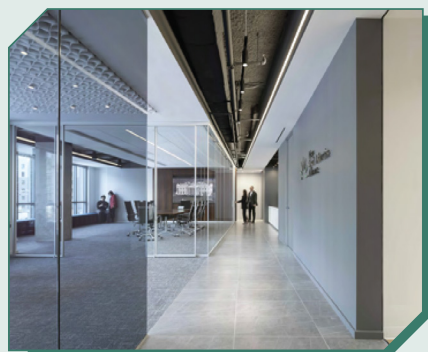
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OUR MISSION

NCLA is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar Philip Hamburger to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other *pro bono* advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

OUR NEW OFFICE



Save the Date

New Civil Liberties Alliance
10th Anniversary Gala

Thursday
September 24, 2026
Washington, D.C.

Contact
gala@ncla.legal
for more information



Hon. Janice Rogers Brown

Chairman

Retired judge of the U.S. Court of Appeals for the D.C. Circuit and former Associate Justice of the California Supreme Court

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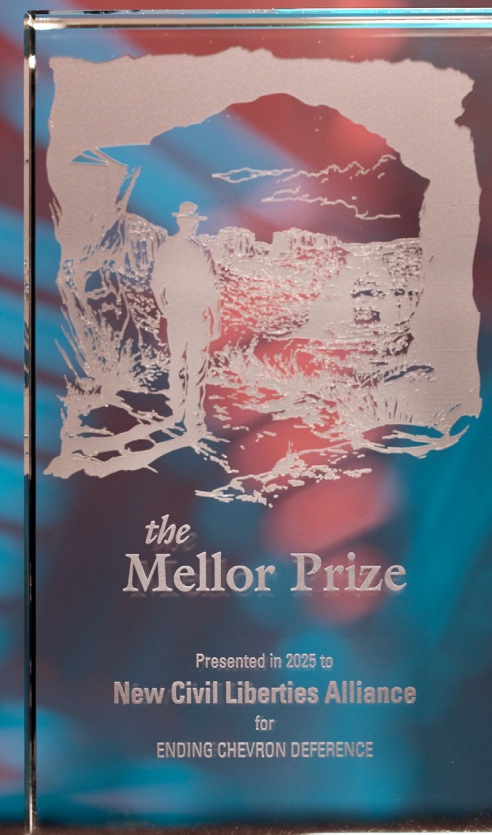
Thomas M. Siebel Senior Fellow,
Hoover Institution
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Peter Wallison

Senior Fellow Emeritus,
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AEI

Rebecca Wood

Partner
Sidley Austin LLP



In 2025, the State Policy Network and the Institute for Justice awarded the inaugural Chip Mellor Prize for Excellence in Public Interest Litigation to the New Civil Liberties Alliance, recognizing NCLA's decisive role in ending the unconstitutional *Chevron* deference doctrine. The prize honors litigators who strengthen the rule of law and hold government officials accountable.



Photo: Scott Bullock (President and Chief Counsel of the Institute for Justice) Mark Chenoweth (President and Chief Legal Officer of NCLA) and Tracie Sharp (President and CEO of State Policy Network)

NCLA led the landmark Supreme Court victory overturning *Chevron* in *Relentless Inc. v. Department of Commerce*,

restoring judges' constitutional duty to independently interpret the law and curbing decades of deference to administrative agencies. This ruling will shape American governance for generations.

The prize honors Chip Mellor, IJ's cofounder and longtime leader, whose wisdom, integrity, and mentorship profoundly influenced NCLA from its earliest days. This recognition from our peers reflects the extraordinary impact made possible by our supporters.

the 2025
Mellor Prize



Let Judges Judge.
Let Legislators Legislate.
Stop Bureaucrats From Doing Either!

NEW CIVIL LIBERTIES ALLIANCE

nclalegal.org | (202) 869-5210 | 4250 N. Fairfax Drive | Suite 300 | Arlington, VA 22203