

Trump's 2025 Executive Orders and the First Amendment

EO 14149 — “Restoring Freedom of Speech and Ending Federal Censorship” (Jan. 20)

Bars federal officials from pushing social media to remove content; orders probe into “censorship” under Biden. This sounds protective, but really aimed at discrediting prior moderation efforts and pressuring tech platforms.

EO 14190 — “Ending Radical Indoctrination in K-12” (Jan. 29)

Criminalizes teaching “radical” or “gender ideology,” including affirming trans students. It's framed as protecting children, but restricts teachers' speech and LGBTQ+ recognition.

EO 14253 — “Restoring Truth and Sanity to American History” (March 31)

Orders Smithsonian and museums to purge “ideologically improper” content and restore traditional statues. Promotes a nationalistic, one-sided history while sidelining critical perspectives.

EO 14290 — “Ending Taxpayer Subsidization of Biased Media” (May 1)

Cuts all federal funding to NPR and PBS. Punishes critical outlets perceived as one-sided and "liberal," signaling that funding depends on favorable coverage.

Flag-Burning Order (Aug. 25–26)

Directs prosecutions for flag burning tied to violence, hate crimes, or environmental harm; adds visa consequences. Appeals to patriotism, but pushes courts to revisit free-speech protections for symbolic protest.

DEI-Related Orders (Jan–Mar, multiple)

Dismantles federal DEI programs, defunds related NGOs. Some have been blocked in court. Labels equity work as “ideological coercion,” sidelining groups focused on diversity and inclusion.

Overall Pattern

Many of these EOs are wrapped in the language of “protecting” speech, children, or history; but the real thrust appears to be controlling the narrative by boosting favored voices (patriotic, conservative, religious) while limiting disfavored voices (LGBTQ+, racial justice, critical media, dissenters).

Due Process

1. The concept of “due process” traces back to the Magna Carta. The phrase also appears in the Fifth and Fourteenth Amendments to the U.S. Constitution. The Supreme Court has emphasized the fundamental importance of this guarantee as based on moral principles “fundamental to a civilized society.”

2. Immigrants (aliens) are entitled to due process. The Supreme Court recently reiterated that aliens are entitled to due process, based on the use of “No person” and “any person” in the Fifth and Fourteenth Amendments, as well as on the importance of due process.

3. Civil Service employees are entitled to due process and statutory protections.

4. Due process requires notice and an opportunity to be heard.

5. Recent Applications

- Kilmar Abrego Garcia was deported by mistake to Cecot prison in El Salvador in March, 2025. Though the administration at first said it could not bring him back, it finally did. When he appeared for a court check-in on August 25, ICE took him into custody. He has now requested asylum in the United States, but the government is threatening to deport him to the African country Eswatini. Lawyers are fighting the deportation attempt. (Note that detainees cannot be deported to “third countries” unless certain conditions are satisfied.)

Of the detainees sent to Cecot, news reports say that around 70% have no criminal records that would justify imprisonment.

- In another case, immigrants were recently deported to Guatemala and South Sudan without due process.

- Doge fired many federal employees from their jobs without due process. Some of them have sued the government about their termination.

6. Shadow docket rulings Several recent Supreme Court due process cases have been decided through the shadow docket. The “shadow docket” refers to the practice of the Court issuing orders and decisions on an emergency basis. These decisions bypass the usual full briefing and argument on the merits of a case. They are often issued with limited explanation, without oral argument, and sometimes without disclosing which Justices supported the decision. In a recent case, the Court stayed a lower court’s ruling, with the result that racial profiling of individuals will be allowed until the case is decided on the merits.

Understanding Executive Orders With An Example

Step 1: The common feature of all Executive Orders

By the authority vested in me as President *by the Constitution and the laws of the United States of America*, it is hereby Ordered:

- Step 2:** (a) what authority is vested by the Constitution? Article II, §1
(b) what duty is imposed by statutes? Article II, §3
(c) Supremacy Clause Article VI, ¶ 2

- (a) The executive power shall be vested in a President of the United States of America.
- (b) he shall take Care that the Laws be faithfully executed;
- (c) This Constitution, and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land . . .

Step 3: the usual approach to deciding the extent of executive power when not specifically addressed by the Constitution:

Youngstown Sheet and Tube Co. v. Sawyer, 343 U. S. 579 (1952)

- (1) highest: when following directions of Congress
- (2) lowest: when incompatible with directions of Congress
- (3) gray area: when will of Congress is unclear

Step 4: The specific subject: elections for House, Senate and President?

House and Senate – Article I, §4: State law subject to congressional override

President – Article II, §1 – Electors *appointed* by state law;
No personal right to vote for president;

Step 5: Questions courts will ask about this Executive Order

- (a) does the Constitution specifically address this issue and give the President a role?
- (b) does the Executive Order track the laws enacted that address this issue?

The 14 Amendment, 1868, granted citizenship to individuals born or naturalized in the US. Federal Government's authority is reinforced by numerous Supreme Court decisions.

Points: equal protection ensured; naturalization and its process Congress' responsibility; birthright citizenship is guaranteed.

STATISTICS: <https://americanimmigrationcouncil.org>

Kentucky 4.5% of population/ 200,000 people/in taxes pay \$1.7B

Indiana 6% of population/ Tennessee 6%/FLORIDA 22%/ 5M people/ \$49B TAXES

WHO: Mexico, Cuba, India, Guatemala, Phillipines in KY

CROSSING THE BORDER OF THE US IS A MISDEMEANOR

VOCABULARY: refugee; asylum seeker, undocumented immigrants. Sub-categories: student, business, resident visa – over 200 different categories

Crimigration – what is it? Does illegal = criminality?

Resources for further research and options to “Do Something!”

Letters from an American - Heather Cox Richardson (also on YouTube and Facebook)

<https://bit.ly/HCR20250915>

Five Calls - App or website - organized method of calling Congress about issues

<https://5calls.org/>

For more information on issues, local protests, actions to take locally or nationally

<https://indivisible.org/>

Force Multiplier - political action, fundraising and supporting candidates who can win

<https://bit.ly/ForceMult>

Civil Discourse - Joyce Vance

<https://joycevance.substack.com/>

Supreme Court emergency orders related to the Trump administration, 2025

<https://bit.ly/SupEmergOrd>

Judges vexed by Supreme Court 'shadow docket' rulings in Trump cases

<https://reut.rs/3IpBLKN>

Summary of SCOTUS Opinions from 2025 (much more information also available at this site)

<https://supreme.justia.com/>

How Trump uses Emergency declarations

<https://nyti.ms/3VWfAPq>

Unitary Executive Theory and its threat to democracy

<https://bit.ly/UnitExec>

Editorial Opinion on SCOTUS' failure to explain its emergency orders

<https://nyti.ms/4phxj1k>

Short summary of the Federal Court system

<https://bit.ly/courtsum>

Summary of “Shadow Docket” cases before the SCOTUS

<https://bit.ly/shadowsum>

Detailed summary of SCOTUS' use of Emergency (Shadow) Docket

<https://www.shadowdocketdata.com/>

Steve Vladek explains the “Shadow Docket”

<https://bit.ly/moreshadow>

Excellent summary of two cases of government agency employees fired without Cause and the effect of the unitary executive theory

<https://bit.ly/FiredNoCause>

Status of all previous cases against Trump

<https://bit.ly/CasesVsTrump>

Complaint filed in Federal Court challenging Birthright Citizenship Order

<https://bit.ly/BirthrightPushback>

New York Times tracking of current cases challenging Trump

<https://nyti.ms/42wEDfG>

Lawfare tracking litigation against Trump, with links to pleadings

Trump Administration Litigation TrackerLawfare

<https://bit.ly/LitigationTracker>

Article by Heritage Foundation against the “Left”

The Left's Lawfare in the AmericasThe Heritage Foundation

<https://herit.ag/4pFCYi6>

Emergency Declarations

How Trump Used 10 Emergency Declarations to Justify Hundreds of Actions - The New York Times

<https://nyti.ms/3K4KMcO>

Summary of SCOTUS opinion about parents opting out for religious reasons

<https://bit.ly/ReligionOptout>

Links to docket of case challenging birthright citizenship Executive Order

<https://bit.ly/BarbaraVsTrump>

Is the SCOTUS in a “war” with Federal District Courts?

<https://bit.ly/ScotusAtWar>

The Supreme Court Is at War With Its Own Judiciary - Adam Bonica

Between May 1 and June 23, federal judges ruled against the Trump administration 94% of the time. The Supreme Court backed it 94% of the time.

The Supreme Court is now in open conflict with the lower courts over cases involving the Trump administration. Since May, federal district courts have ruled against the administration 94.3% of the time. The Supreme Court, however, has flipped that outcome, siding with the administration in 93.7% of its cases (15 out of 16).

<https://bit.ly/MoreCourtWar>