

FREEDOM UNDER FIRE: THE FAR RIGHT'S BATTLE TO CONTROL AMERICA

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movement advancement project ►

This report was authored by:

Movement Advancement Project

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INTRODUCTION

Across virtually every aspect of life, people's freedoms are under assault in the United States. For example, 2023 was a record year for anti-LGBTQ legislation, and lawmakers also launched a wave of attacks against access to abortion and contraception—despite record voter turnout in support of reproductive rights. Politicians also worked to censor what is taught in schools or available in public libraries, restrict who can vote and make it harder to participate in democracy, and more.

It is tempting to see each of these attacks as one-offs or as separate, unrelated issues, but the reality is they are deeply connected. Each of these is part of a much broader, coordinated effort to strip people of their freedom and rights, and to enact state control over a wide swath of American life.

The forces attacking these diverse freedoms ultimately want to create a rigid, restrictive society according to their worldview only, with little room for those of different beliefs, values, or expression. They want conformity rather than individuality, obedience rather than freedom, and power rather than justice or democracy. And while our country has always struggled with fulfilling the promise of freedom and justice for *all*, this current moment is stark and chilling and should stand as a wakeup call.

While these restrictions on freedoms are being launched by members of the far right, the impacts are not a partisan left versus right issue. Rather, these extreme policies harm people across backgrounds and experiences, regardless of their political beliefs. For example, while 2023 saw the silencing of politicians speaking up in defense of transgender youth and gun safety measures, that same silencing could be applied to politicians of any political stripe. Likewise, today's proposed (and enacted) restrictions on people's right to make their own health care decisions about abortion or contraception may soon morph into tomorrow's restrictions on many other kinds of private medical decisions.

This report shows the various freedoms that far-right politicians and extremists are curtailing as they endeavor to reshape American society into one that reflects only their narrow, singular viewpoint. The report also shows what it means for our nation and for all people, regardless of their ideologies, when these interrelated freedoms are restricted. These attacks and tactics include:



Restricting health care and the right to make decisions about one's body: Far-right extremists want to force everyone to adhere to their moral worldview, including by limiting people's ability to make choices about their own health care, such as the ability to get an abortion, receive medical care as a transgender person, and access preventative care like PrEP and birth control. They are also retaining archaic anti-sodomy bans, which criminalize consensual sex between adults of the same sex.



Restricting freedom of ideas and the ability to obtain a comprehensive education: Far-right actors want to rewrite what is taught in public schools, censoring historical realities like the enslavement of millions of people and the contributions of people of color and LGBTQ people to American history. They also want to censor fact-based, age-appropriate sex education and ban hundreds of books from schools and even public libraries, restricting access for everyone to anything these extremists do not like.



Restricting travel and the ability to exist freely in public places: The far right wants to limit people's freedom of movement by making it illegal to travel out of state for reproductive or transition-related health care, creating barriers to community pride events and drag performances, and preventing transgender people from safely using the restroom in public places like airports, libraries, and schools.



Restricting the legal recognition of people's identities: Far-right leaders want to make it harder for people to be who they are and to safely participate in society. They are achieving this goal by making it harder, if not impossible, for people to get state IDs. This lack of ID obstructs people's ability to vote, access vital social safety programs and services, open a bank account, apply for jobs, and more.¹ These leaders are also passing laws that redefine "sex" to enable state-sponsored discrimination and make it so that transgender and nonbinary people can never be legally recognized as their gender identity, including when accessing essential services, such as emergency housing.²



Restricting freedom of the press, speech, and assembly: The far right wants to limit what people can speak about through laws and attacks that punish expression and infringe on the freedoms of press, speech, and protest. This includes policies that criminalize peaceful protesters, for example arresting peaceful participants under the pretext that the protest constitutes a riot, or create exorbitant fees to obtain a permit to protest in a particular location, so that people are deterred from assembling. They are using government powers to financially penalize companies that express opposition to government policies and even attempting to ban inclusive trainings and resources that private companies may wish to provide to their own employees. They are passing laws that prevent schools and educators from expressing support for all different kinds of students, such as banning the posting of flags or safe space stickers or prohibiting the use of transgender and nonbinary students' (and in some cases, even adult staff's) pronouns.



Restricting the right to vote: Far-right politicians are attacking the cornerstone of our country, our democracy. They are restricting people's ability to vote, for example by undertaking targeted efforts to disenfranchise younger voters and voters of color,³ undermining free and fair elections,⁴ restricting ballot measures, and silencing elected officials⁶ when they advocate for their constituents' freedoms.

The Far Right's Goal: Mainstreaming Exclusion and Undermining Democracy

The far right in the United States is made up of a variety of groups, politicians, media figures, and others who support dehumanizing and exclusionary policies, adopt conspiracy theories, and espouse anti-democratic ideals. Their goal is to mainstream the legal and social exclusion of racial, religious, non-religious, and other communities that do not share the far right's traits or values. Further, the far right is willing to undermine democracy to make their views the sole law of the land.

FREEDOM UNDER FIRE:

THE FAR RIGHT'S ATTACKS ON VIRTUALLY EVERY ASPECT OF LIFE



Restricting health care and the right to make decisions about one's body



Restricting freedom of ideas and the ability to obtain a comprehensive education



Restricting travel and the ability to exist freely in public places



Restricting the legal recognition of people's identities



Restricting freedom of the press, speech, and assembly



Restricting the right to vote

There are countless examples of far-right politicians, media figures, and activists showcasing exactly the kind of society that they are aiming to force upon everyone:

- **On religious exclusion:** Recently elected Speaker of the House, Mike Johnson, has advocated for a religious test for elected officials, stating, “You better sit down any candidate who says they’re going to run for legislature and say, ‘I want to know what your worldview is. I want to know ... what you think about the Christian heritage of this country. I want to know what you think about God’s design for society. Have you even thought about that?’ If they hadn’t thought about it, you need to move on and find somebody who has...”⁷
- **On excluding transgender people from society:** Far-right media figure Michael Knowles gave a speech at the Conservative Political Action Conference in which he said, “For the good of society... transgenderism must be eradicated from public life entirely.”⁸
- **On inciting violence against marginalized groups:** Jeff White, member of an extremist biker group, the Panhandle Patriots, spread a video around his far-right networks months ahead of an Idaho LGBTQ pride event in which he said, “That very same day we actually intend to go head-to-head with these people. A line has to be drawn in the sand. Good people need to stand up... We say damn the repercussions. Stand up, take it to the head. Go to the fight.” Later, 31 members of the affiliated white nationalist group Patriot Front were arrested for conspiracy to incite a riot at that same pride event.⁹
- **On restricting abortion rights even in the case of rape:** Former candidate for Lieutenant Governor of Minnesota, Matt Birk, said about abortion, “Rape is obviously a horrible thing, but an abortion is not going to heal the wounds of that. Two wrongs, it’s not going to make it right.”¹⁰
- **On excluding Jewish people and justifying antisemitism:** Far-right extremists took to the streets of Charlottesville, Virginia for a rally turned riot in defense of a confederate statue, during which they spouted all manner of dehumanizing rhetoric—most chillingly chanting, “Jews will not replace us.”¹¹
- **On excluding Muslims and enshrining Islamophobia in politics:** Far-right House Representative Marjorie Taylor Greene has been heard time and again making

anti-Muslim statements. These include claiming that Representative Rashida Talib, who is Muslim, “led an insurrection” at the Capitol when in fact the event was a peaceful protest at which Representative Talib was not present, as well as promoting the idea that Muslim Americans do not have a place in government at all.¹²

- **On silencing and punishing political opponents:** While campaigning for re-election in 2024, former President Donald Trump stated, “We pledge to you that we will root out the communists, Marxists, fascists, and the radical-left thugs that live like vermin within the confines of our country.”¹³ Notably he applied these multiple, conflicting labels to his political opposition writ large. Further, the dehumanization implicit in referring to opponents as vermin is concerningly reminiscent of rhetorical tactics of the Nazis and other fascists of the 20th Century.¹⁴

Their goal is to create a society where the only people who have access to health, security, free expression, and civic participation are people who look and think like they do.

But in a free society—and particularly one like the United States that espouses individual freedom as a bedrock principle—people should be able to make decisions about their own bodies, to read and learn free from censorship, to express their ideas and sense of self freely, and to fully participate in shaping the future of their communities through a free and fair democracy. Yet far-right politicians are working in a coordinated and strategic manner to subvert these freedoms—attempting to exert government control to force people to comply with their narrow version of what it means to be an American. These efforts would erode the very basic freedoms that are central to our country.

The myriad ways in which our freedoms are under attack may seem very different from one another, but they are related—and designed to create an America in which all must comply with far-right politicians’ vision of the role of men and women, of right and wrong, of good and bad. These attacks on our freedom affect not just the individual communities that are being targeted—they affect us all.



Christian Nationalism and the Far Right's Attack on American Freedoms

The broader effort to reconfigure American society according to far-right beliefs is deeply intertwined with and driven by Christian Nationalist worldviews. Broadly speaking, Christian Nationalism aims for explicit Christian control over all sectors of government and supremacy in determining standards of society and everyday behavior.

A report from the Public Religion Research Institute (PRRI) measured Christian Nationalist attitudes through agreement with positions such as, “the U.S. Government should declare America as a Christian Nation,” “U.S. laws should be based on Christian values,” and, “God has called Christians to exercise dominion over all areas of American Society,” among others.^a These views are effectively anti-democratic and run counter to the separation of church and state enshrined in the U.S. Constitution, which protects the religious freedoms of all Americans. Moreover, the same PRRI report found that Christian Nationalists are more likely than Americans overall to hold anti-Black, anti-immigrant, antisemitic, anti-Muslim, and patriarchal attitudes.

The problem is not that individual people hold these views—the problem is that Christian Nationalists have created a shadow network of politically powerful organizations that work to impose their exclusionary and supremacist beliefs on all of American Society. The organizations include powerful and well-funded legal groups such as the Alliance Defending Freedom, the Becket Fund, the First Liberty Institute, and the Thomas Moore Society; advocacy organizations including the Family Research Council and the American Family Association; and policy organizations like the Ethics and Religious Liberty Commission.^b Many of these groups have worked for decades to erode civil rights protections for women, people of color, LGBTQ people, and more. These groups also work in tandem to raise lawsuits that advance Christian supremacy via the framework of “religious liberty,”^c push the nomination of Christian Nationalist judges and Supreme Court Justices,^d and enshrine discriminatory laws and policies^e by wielding influence over government officials. In short, Christian Nationalism is an inseparable and key part of these broader efforts to impose a rigid and restrictive society limiting the freedom of all Americans.

^a PRRI. 2023. *A Christian Nation? Understanding the Threat of Christian Nationalism to American Democracy and Culture*.

^b Liz Hayes. 2022. “Dark Shadows: For More than 40 Years, Christian Nationalist Groups Have Worked to Topple the Church-State Wall. Are They About to Succeed?” *Church & State Magazine*. Americans United.

^c *Ibid.*

^d Freedom from Religion Foundation. 2020. *Religious Liberty Under Threat: The Christian Nationalist Capture of the Federal Judiciary*.

^e American Atheists. 2022. *2022 State of the Secular States: A Review of State Legislation Affecting the Separation of Religion and Government*.



RESTRICTING HEALTH CARE AND THE RIGHT TO MAKE DECISIONS ABOUT ONE'S BODY

A core component of individual freedom is the ability to make decisions about one's body and health. People must be free to seek treatment for their ailments, medical support for their health priorities, and to exercise informed consent throughout. It is not just a matter of autonomy but one of safety and mental wellbeing. Yet leaders on the far right have been working to take those decisions out of the hands of the person whose health is on the line, instead allowing the state to dictate people's most personal bodily decisions.

Outlawing Abortion Access

Far-right politicians have been working to ban or restrict abortion access for decades, long before *Roe v. Wade* was overturned in 2022 by the Supreme Court in *Dobbs v. Jackson Women's Health Organization*.¹⁵ Prior to

that 2022 decision, many states passed ‘trigger-laws’ that would ban or severely restrict abortion the moment the Court struck down the right to abortion access. As a result, there are now 14 states that have banned abortion with rare exceptions, such as to save the life of the pregnant person.¹⁶ Another seven states restrict abortion with bans that begin between six and 18 weeks of pregnancy.¹⁷

Even with exceptions in place, pregnant people and their families have suffered harm as a consequence of the fear of repercussion imposed on medical care providers. There have now been reports from several states where pregnant mothers were forced to carry nonviable pregnancies to term or nearly died because of uncertainty about how life-threatening a pregnancy must be for a doctor to provide an abortion. For example, a Florida patient was forced to continue a pregnancy and give birth at full term despite learning from doctors at 24 weeks that a fatal fetal abnormality guaranteed that the baby would die in pain shortly after being born—this despite the abortion ban in Florida explicitly naming fatal fetal abnormalities as an exception.¹⁸



One Texas case shows why women can't rely on legal exceptions to abortion bans

(click to read more)

In another instance, a pregnant woman in Texas was denied an abortion despite her water breaking 22 weeks prematurely and doctors informing her that this created a severe risk of a deadly infection, which she did in fact develop and which nearly claimed her life.¹⁹ In another Texas example, a pregnant woman was denied an abortion despite clear medical evidence that the fetus was not viable and that if she carried forward with the pregnancy she faced a serious risk of dangerous medical complications and of becoming infertile thereafter.²⁰ This person wanted the pregnancy to work and, failing that, wanted to become pregnant in the future. She pursued a legal remedy with the argument that her situation fell within Texas' medical exceptions to its abortion ban. Yet the Texas Supreme Court ruled that "Some difficulties in pregnancy ... even serious ones, do not pose the heightened risks to the mother the exception encompasses." This and other cases demonstrate that the legal exceptions to the far right's abortion bans are extremely narrow and can be interpreted in a manner that leaves pregnant people in serious medical danger.

In addition to bans and restrictions on abortion procedures, some states have also attempted to pass bans on medication abortions. Wyoming was the first state to attempt such a ban, though it is currently blocked while a challenge to the law makes its way through the courts.²¹ Additionally, a federal judge in Texas handed down a ruling that would ban access *nationwide* to mifepristone, one of two pills used to induce a medication abortion. Specifically, the ruling attempts to reverse the Food and Drug Administration's (FDA) approval of mifepristone and the permissions for the medication to be prescribed via telemedicine, sent by mail, and purchased at pharmacies. The Fifth Circuit Court of Appeals struck down only some parts of the Texas judge's ruling, and ultimately the U.S. Supreme Court will rule on the matter in 2024—leaving nationwide access to mifepristone available for now, but in severe uncertainty for the longer-term.

Restricting abortion access causes a wide range of harms. Would-be parents must suffer the emotional toll of carrying non-viable pregnancies to term.²² Pregnant people suffering life-threatening complications must wait until their doctors are absolutely sure it is legal to terminate their pregnancy, even if that means suffering in immense pain, or complications that could lead to death. Denying abortions also results in economic challenges for people forced into parenthood as well as the children they bear.²³

Further, these harms are extending beyond pregnant people to those who are contemplating becoming parents. A 2023 nationwide survey found that more than a third (34%) of women ages 18-39 say they or someone they know have decided not to get pregnant—even in states where abortion is legal—due to fears of not being able to manage or survive a pregnancy-related medical emergency.²⁴ This means that even people who are confident that they have the means and are ready to have children are putting it off in case their healthcare providers are too afraid of criminal and professional penalties to provide a life-saving emergency abortion.

Finally, these laws harm medical professionals who must choose between providing the care that they know is in the best interest of their patients' health at the risk of being punished or even imprisoned for life,²⁵ or allowing their patients to languish without the medical care they want or need. Moreover, the intense spotlight that befalls abortion providers puts them at risk of violence from far-right extremists. This means not only that the providers' lives are in danger,²⁶ but also that it may be too dangerous or too difficult to securely operate reproductive health clinics that provide a broad range of services beyond abortion. All this comes at a severe cost to communities in need of more health clinics, not fewer. Rural communities across the country, for example, face an ongoing crisis of clinic and hospital closures,²⁷ limiting access to needed health care of all kinds for people of all backgrounds—but these far-right extremists have no regard for the collateral damage of their attacks on individual rights and even the most personal of healthcare decisions.

Becoming a parent permanently alters one's life, and the health decisions made around a pregnancy are deeply personal. Everyone should be able to freely make decisions about what happens to their body and to do so in consultation with healthcare professionals according to best-practice medical standards, free from government interference or legal threat.

Banning Medical Care for Transgender People

In a related restriction on health care and bodily autonomy, the far right has been working to restrict best-practice medical care for transgender people across the country. The legislative wave began by targeting youth, with 23 states currently banning some form of best practice medical care for trans youth.²⁸ Additionally, five states have made it a felony to provide that health care. Several states have also recently attempted to ban care for adults,²⁹ with Oklahoma's attempted ban going up to age 26³⁰ and Missouri's attempted regulatory ban applying regardless of age.³¹ The shift from banning youth care to banning young adult care should be understood for what it is—an attempt to move the Overton window about what health care can be restricted based on the whims of far-right extremists. This is evidenced by the rhetoric of far-right media figure Matt Walsh, advocating for a universal ban on medical care related to transition.³²

As with attacks on reproductive health care, far-right politicians have also attempted to restrict access to transgender-related medical care by making it technically legal but effectively impossible to access. For example, a new law in Florida severely restricts access for transgender adults by imposing unmeetable requirements and dramatically narrowing which medical providers are allowed to provide such care. Other states have also restricted access through insurance: at least nine state legislatures have entirely banned coverage for gender-affirming care under their state Medicaid programs,³³ and Mississippi and Arkansas have passed laws explicitly permitting private insurers to refuse to cover such health care.³⁴

These efforts to limit transgender people's freedom to access medical care are intrinsically related to the attempts to ban abortion access. These laws against medical care for transgender people likewise restrict bodily autonomy and have far-reaching impacts. A plethora of leading medical associations have made it clear that the research supports health care for transgender people.³⁵ Yet the far right remains intent on passing laws that interfere with private decisions that should be made between individuals and healthcare providers who are the best equipped to determine the needs of their patients.

This interference causes severe harm to transgender people and their families. Transgender people without access to best practice medical care report worse mental

and physical health outcomes.³⁶ This is also true for transgender people who are forced to delay medical care until they are adults.³⁷ The rhetoric from those who support these laws has the additionally harmful effect of stigmatizing transgender people. This creates an increased risk of harassment and violence for a community that is already four times more likely to be the victims of violent crime.³⁸ Moreover, these laws create harms for medical service providers, including the risk of being criminalized or losing their licensure for providing the highest quality care to their patients, as well as vitriol and threats to safety from far-right extremists.³⁹

Inhibiting Access to Contraception and PrEP

In a further effort to restrict people's healthcare decisions, right-wing groups have recently brought lawsuits that would block access to medications including birth control and pre-exposure prophylaxis (PrEP), which is used to prevent HIV. The efforts have been incremental, beginning with the precedent set in the 2014 Supreme Court case, *Burwell v. Hobby Lobby*, but have dramatically escalated in the years since, and especially in the wake of the *Dobbs* decision that overturned federal abortion protections.

In the *Hobby Lobby* case, the Supreme Court ruled in favor of far-right arguments, allowing a for-profit company to deny health insurance coverage for contraception to its employees because of the owners' religious beliefs, despite the requirement under federal law that birth control be covered.⁴⁰ Since the more recent *Dobbs* ruling, the U.S. Department of Health and Human Services has received increasing reports of people denied insurance coverage for contraception.⁴¹ Additionally, 12 states have laws allowing healthcare providers themselves, such as pharmacists, to refuse to provide services related to birth control.⁴² These policies have made waiting times for contraceptive care unmanageable and the care itself unaffordable for many.

In addition, right-wing legislators have begun conflating intrauterine devices (IUDs) and emergency contraception like Plan B with abortion, even though birth control methods do not end pregnancies.⁴³ This has translated into attempts to ban public funding for emergency contraception and IUDs. For example, a 2021 bill was introduced in Missouri that would have banned Medicaid coverage for these forms of contraception.⁴⁴

These same tactics are being applied to create restrictions on access to PrEP, a medication that prevents

the transmission of HIV. Building on the *Hobby Lobby* precedent, last year, a federal judge in Texas held that an employer was likewise not required to cover PrEP in its employee insurance policy based on the owners' religious objections.⁴⁵ But tellingly, the moral objection in this case differs from the issue that *Hobby Lobby* had with contraception. In that case, the issue was that the employer opposed the function of the medical treatment. With regard to PrEP, the fact that it prevents the transmission of HIV is not what the employer finds morally objectionable, but rather the employer objects to covering a medication based on the presumed identity and activities of the employee who might take PrEP.⁴⁶ This is the logical equivalent of an employer refusing to cover dialysis treatment because they believe it immorally facilitates the sin of alcoholism. Employers, regardless of their religious leanings, should not have absolute power over the essential, potentially life-and-death, medical treatments their employees can access.

Barriers to accessing these important preventative medications put people's lives in direct danger. People who cannot have access to contraception may also be subject to laws severely limiting access to abortion. There is already evidence that medical care providers, afraid of losing their licensure and facing criminal charges, are avoiding providing emergency abortions until their pregnant patients are already in dire medical distress. Further, people who may want to take PrEP but cannot afford out-of-pocket costs are left contending with a higher risk of contracting or transmitting HIV if their employers are able to claim religious exemptions to covering the medication. Neither government nor employers should be the decision maker when it comes to people's private medical decisions. Access to health care that meets one's needs should not be a privilege exclusive to people who live in certain states, who can pay costs out-of-pocket, or who can afford to pick and choose between employers based on those bosses' personal beliefs about health care.



The Far Right's Refusal to Repeal Unconstitutional Sodomy Laws

In addition to creating new restrictions on our freedoms, far-right proponents are also defending archaic infringements on freedom from the past.

For example, there are 12 states maintaining anti-sodomy laws that criminalize consensual sex between people of the same sex.^f This is despite Supreme Court's decades old ruling in *Lawrence v. Texas*, which found such laws to be unconstitutional. While many other states have repealed their own anti-sodomy laws, in the 12 states keeping these laws on the books the far right opposes^g or has slow-walked repeal.^h Thus, while it is unconstitutional for people to be tried under these laws today, there are people who were convicted prior to the *Lawrence* ruling who until very recently were still on their state's sex offender registry.ⁱ Moreover, in some jurisdictions police continued to arrest people because these laws remain on the books.^j

The continued existence of these laws in spite of the Supreme Court ruling is not just a defunct vestige of past restrictions, because they are still having ramifications. Additionally, in his concurring opinion to the *Dobbs* case overturning federal abortion protections, Justice Clarence Thomas argued that since abortion protections emanated from the legal doctrine of substantive due process, the Court should reconsider all decisions that were based on that legal precedent, including *Lawrence*.^k Were that to happen, the anti-sodomy laws that remain in state statutes could serve the same function as the abortion trigger laws that states passed preemptively, so that they would take effect as soon as the court overturned abortion protections.

^f Amanda Holpuch. July 2023. "The Supreme Court Struck Down Sodomy Laws 20 Years Ago. Some Still Remain." *The New York Times*.

^g Texas Freedom Network. April 2012 "Religious-Right Group 'Texas Values' Desperately Defends Sodomy Law, Anti-Gay Discrimination."

^h Blaise Mesa. January 2022. "Laws against gay sex were ruled unconstitutional long ago, but Kansas won't drop its ban." *KCUR*.

ⁱ Leo Morales. November 2022. "State of Idaho Settles ACLU Lawsuit Challenging Idaho's Unconstitutional Use of its Sex Offender Registry." ACLU Idaho.

^j Julie Compton. May 2016. "American Men are Still Being Arrested for Sodomy." *The Advocate*; see also Lou Chibbaro Jr. July 2021. "Gay Men Arrested under MD. Sodomy Law in Adult Bookstore Raid." *The Washington Blade*.

^k Zach Beauchamp. June 2022. "Could Clarence Thomas's *Dobbs* concurrence signal a future attack on LGBTQ rights?" *Vox*.



RESTRICTING FREEDOM OF IDEAS AND THE ABILITY TO OBTAIN A COMPREHENSIVE EDUCATION

A robust democracy requires an informed populace. And public education has long served as a key tool in educating our children not only about reading and writing, but also about what it means to be an American, how our country's history informs the present, and about the importance of a strong democracy. However, far-right politicians and their allies seek to undermine education through several avenues, ultimately creating an educational system that advances a singular viewpoint of what it means to be an American and stigmatizes anyone who doesn't fit into those parameters.

Far-right extremists have been raising barriers to comprehensive and accurate education by fomenting a panic around learning about race, sexual orientation, gender identity, sexual health, and so much more. Whether through efforts to censor lessons on the country's history or the issues facing the country today, these proponents of a less-informed public have been restricting what people can learn and when, interfering with individuals' rights to a quality and comprehensive education that prepares them to thrive in today's world. While these extremists often package their efforts in the guise of age-appropriateness or concern for children, their true goals include censoring any ideas they disapprove of, as evidenced in their increasingly broad-ranging attempted bans on books and education regardless of age.

Censoring School Curriculum

America's history has many lessons to offer about the value of a healthy democracy and a free and pluralistic society, as well as the profound harms that arise from injustice and inequality. The far right wants to control what and whom people can learn about precisely because they stand in opposition to a fully democratic, free, pluralistic society that does not satisfy their exclusionary vision for America. To that end, far-right leaders have enacted policies that limit what students can learn about historically underrepresented groups, movements for justice, and even their own bodies.

Currently, 11 states censor discussions of LGBTQ people or issues in schools, and five states require parents to be notified of LGBTQ inclusive curricula in advance of

any teaching.⁴⁷ This has had a chilling effect on teachers, not only in terms of what they include in their curricula, but also fears of repercussion for showing support for LGBTQ students and questions as to whether and how much educators must hide their own identities.⁴⁸ One such state law in Florida began as a ban for grades K-3, but has since been expanded to cover all grades.⁴⁹ This is also negatively affecting LGBTQ families in the state, with more than half of Florida LGBTQ parents considering moving out of state because of the law.⁵⁰

The Washington Post

'Slavery was wrong' and 5 other things some educators won't teach anymore

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TIME

LGBTQ Teachers Struggle to Navigate Florida's So-Called 'Don't Say Gay' Law

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Right-wing censors have also been targeting discussions of race and racism in the classroom. To date, at least 29 states have adopted laws that ban or severely restrict accurate classroom discussion about elements of U.S. history, including racism and its impact on those who were subject to unjust racial systems.⁵¹ Teachers have lamented being unable to teach about slavery, Jim Crow laws, and the Civil Rights Movement for fear of being sanctioned.⁵² Further, these laws would punish not only the educators themselves through potential job loss or discipline, but also would punish entire school districts and the students in those districts by withholding state funding for schools if they teach accurate history or discuss themes of race or racism in class.

Finally, states are also attempting to limit sex education. There are 21 states that do not require sex education at all.⁵³ Another six states require that any sex education that is taught either excludes discussion and

answering student questions about LGBTQ identities or requires instruction that stigmatizes LGBTQ people and their relationships.⁵⁴ Some far-right legislators have gone so far as to explicitly ban sex education for at least some students. Notably, most of the states that require that sex ed strongly emphasize abstinence also have the most restrictive abortion policies, leaving young people uninformed as to how to avoid pregnancy and fewer options should they become pregnant.⁵⁵

All of this censorship leads to less informed young people who may not be equipped with an accurate, comprehensive understanding of this country, its history, or even their own bodies, despite needing to make important personal health and civic decisions throughout their life. The suppression of accurate information about America's racial history and hiding that LGBTQ people exist also harms everyone: curriculum that reflects the identities and experiences of all young people improves well-being and academic outcomes of all students, and especially those from under-represented backgrounds.⁵⁶ Censorship policies also lead to educators preemptively self-censoring to the point of possibly omitting information that would not fall within the scope of the curriculum censorship laws.⁵⁷ People deserve, and a healthy democracy requires, an education system that can be relied upon to teach accurate and important information.

Censoring Libraries and Banning Books

Far-right actors have also been working to limit the freedom to read. Their efforts began with book bans in schools, and have extended out to banning books from public libraries. The bans overwhelmingly target books that cover LGBTQ themes and characters, books centering characters of color, and books that discuss racism.

These efforts are increasing, with one analysis from the American Library Association showing that book challenges nearly doubled from 2021 to 2022, with nearly half (48%, and the largest share) targeting books in public libraries.⁵⁸ In another analysis by Pen America, 30% of books that right-wing groups attempted to ban centered characters of color or themes of race and racism, and 26% included LGBTQ characters and themes.⁵⁹ The bans continue to escalate despite 71% of people from across the political spectrum opposing these efforts to remove books from libraries.⁶⁰ In addition to pushing for school boards and legislatures to adopt the bans, far-right activist groups are now deputizing themselves to enforce compliance with the book bans. For example,

members of the extremist group Moms For Liberty—one of the primary culprits behind the rise in book challenges nationwide⁶¹—recently called the police to report that a school librarian permitted a 17-year-old student check out a young adult novel.⁶²

71% of Americans oppose book bans, yet book challenges nearly doubled in past year—driven by just a few far-right extremists.

- *The Washington Post*, June 2023

People are losing the opportunity to learn from perspectives that are different from their own. Further, people who are members of historically underrepresented communities are also losing the chance to see themselves reflected in literature that was previously easily accessible in schools and public libraries. Additionally, the types of books that are being banned may have the effect of signaling that there is something wrong with the communities being excluded from their literature, which further stigmatizes historically underrepresented people. At the same time, teachers are contending with intense scrutiny of the materials that they use to educate young people. America is a diverse country with a rich array of ideas. People should be able to read books and access materials that mirror this richness, broaden their perspectives, and reflect their interests.



RESTRICTING TRAVEL AND THE ABILITY TO BE IN PUBLIC PLACES

The far right is also promoting policies that limit people's freedom of movement and their ability to be in public spaces that should be open to everybody. If a state passes a law banning medical practices endorsed by all of the major medical associations, the far right then wants to criminalize residents for seeking that health care across state lines. If people want to gather in public places to celebrate pride or perform in drag, the far right wants to intimidate or even criminalize those gatherers. Far-right extremists even want to limit basic accommodations by restricting who can use which bathrooms. But freedom of movement is a fundamental right, as is nondiscriminatory access to public accommodations. When the far right attacks these fundamental rights and freedoms, they are not just attempting to claim control over where certain people are able to go, but they are pushing people into the margins of society as a part of their larger aim to have the public sphere reflect only the types of people that the far right deems fit.

Making It a Crime to Travel for Health Care

The right to interstate travel is so basic and fundamental that the Supreme Court noted in *U.S. v. Guest* that it was possible that the framers thought it was unnecessary to explicitly include it in the Constitution. Yet, many of the far-right legislatures passing restrictions on abortion access have also threatened to criminalize aiding people traveling out of state to seek care.

For example, Missouri lawmakers introduced legislation that would have allowed private citizens to sue anyone who helps a Missouri citizen obtain an abortion outside of the state.⁶³ This would mean that their out-of-state doctors and anyone who helps the patient travel across state lines could be subject to criminal penalties. Similarly, the Attorney General of Alabama has argued that his office can prosecute people who organize travel for an Alabama resident to obtain an out-of-state abortion because it would be a criminal conspiracy to violate the state's abortion ban.⁶⁴

In Texas, far-right activists have pushed local municipalities to get around constitutional protections for interstate travel by making it illegal to transport someone through their county or city to get abortion-related care.⁶⁵ Interstate highways pass through the municipalities in question, and thus while Texas has not made it illegal to

travel out of state to seek abortion services, these local policies may criminalize those who help patients travel along major roads that cross certain parts of Texas.

These threats to the freedom to travel are likely unconstitutional. Moreover, if people cannot access the health care they want or need locally, and they cannot re-locate to secure that care, they risk grievous physical and emotional harm. Further, people who assist travel for someone seeking an abortion out-of-state risk criminalization. These consequences threaten the freedoms of all Americans, because if limitations on interstate travel to seek abortion care are legally enshrined, it opens the door to restricting medical-care-related travel for other private health choices that offend the sensibilities of the far right.

Controlling Public Spaces

Far-right actors are also promoting policies that limit the ways people can use public spaces, beyond ensuring safety for all. This includes interference with hosting pride events and attempts to ban drag performances.

For example, in 2023 Florida passed a ban on adult performances that did not mention drag explicitly but clearly targeted drag performers and events, even calling pride celebrations into legal question.⁶⁶ This law was so punitive and vaguely worded that at least one pride event in the state was cancelled for fear of falling afoul of the law. Similarly, in Tennessee, pride organizers who had easily secured pride event permits in prior years were thrust into a contentious public hearing where far-right residents advocated against granting them a 2023 permit.⁶⁷ Currently six states have laws explicitly restricting drag performances or otherwise targeting them, although many of these laws are unenforceable for the time being due to federal court orders.⁶⁸

There were over 350 incidents of anti-LGBTQ hate and extremism reported from June 2022 to April 2023, with over one-third of those targeting drag events.

- ADL "Year in Review: Anti-LGBTQ+ Hate & Extremism Incidents, 2022-2023"

In addition to freedom-limiting policies, rising anti-LGBTQ rhetoric is also leading to rising threats of violence and, in some cases, tragic losses of life. A report on incidents of anti-LGBTQ hate and extremism incidents from June 2022 to April 2023 found that of 356 total incidents, including harassment, vandalism, and assault, 138 were specifically targeted at drag events and performers.⁶⁹ There have also been many recent reports of threats to pride events. For example, in 2022, 31 members of a far-right white nationalist group were arrested just before they could violently riot at a pride event in Idaho.⁷⁰ In a tragic 2023 incident, a California store owner was murdered after she refused to take down a pride flag at the front of her shop.⁷¹ The assailant was later revealed to have a history of posting harmful anti-LGBTQ commentary on social media, with rhetoric reflecting the same kind of language employed by the far right.

These policies, and the rhetoric that the far right is using to justify them, are dangerous. Not only are people being subjected to unjust criminalization for performing in drag or hosting such performances, but organizers are retreating from beloved community traditions, like pride events, for fear of state interference, social ostracization, and even extremist violence. Public space exists to be enjoyed by everyone, and no performers and community event organizers should have to face reprisal for utterly typical uses of public space.

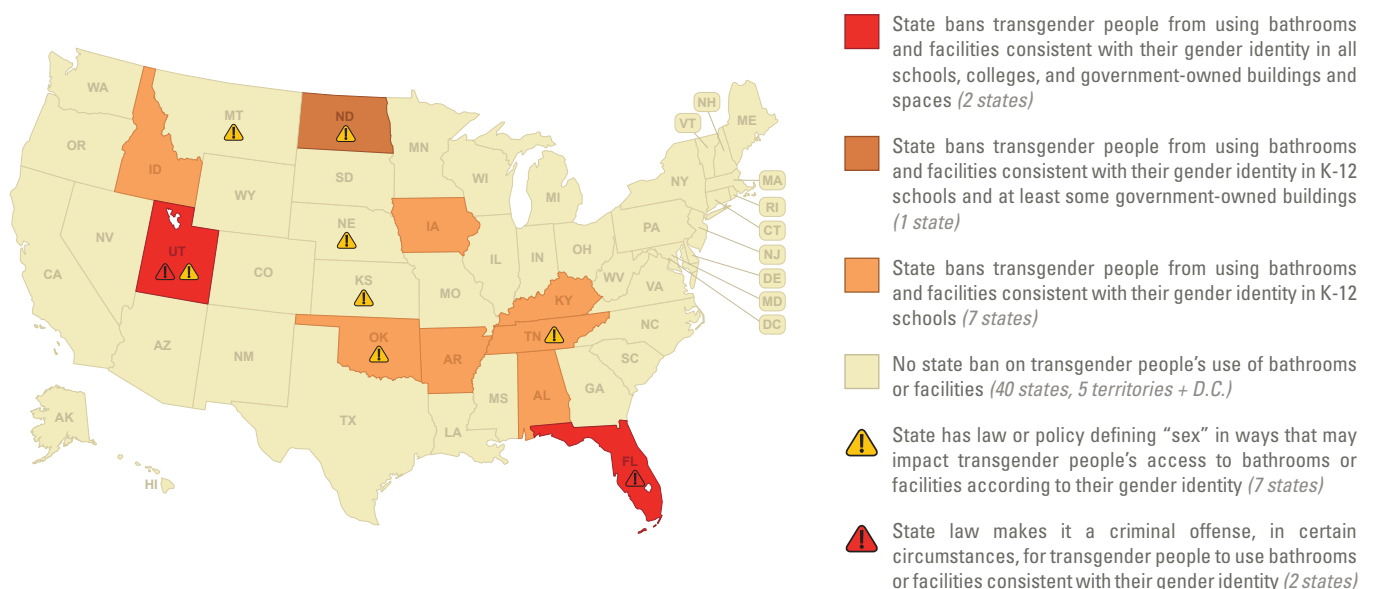
Regulating Bathrooms and Who Can Use Them

Currently, 10 states ban transgender people from using bathrooms and facilities according to their gender identity, as seen in *Figure 1*.⁷² Most of the bans pertain to K-12 school bathrooms and locker rooms, requiring students to use facilities that do not align with their gender identity.

The ban adopted by far-right politicians in Florida goes the furthest, making it a criminal offense for transgender people to use facilities consistent with their gender identity in all schools, colleges, and government-owned buildings and spaces.⁷³

No one should be criminalized for using a space consistent with who they are. When transgender people are prevented from accessing sex-segregated facilities that align with their gender, they must choose between risking harassment and worse in facilities that do not match their gender, being criminally sanctioned for using the correct facilities, or avoiding sex-segregated spaces altogether. These options are untenable. These policies stigmatize a community that is already disproportionately victimized. People should not have to spend their entire work or school day avoiding basic human needs. Transgender people need to be able to use the restroom, locker rooms, and other facilities without discrimination or criminal sanction, just like everyone else.

Figure 1: More Than One in Six Transgender People Live in States that Ban Transgender People From Using Bathrooms and Facilities According to Their Gender Identity In Certain Places



Source: MAP's [Equality Maps](#). Data as of March 1, 2024.



RESTRICTING THE ABILITY TO BE RECOGNIZED AND THE FREEDOM OF IDENTITY

The far right is also trying to limit people's ability to be recognized and the freedom to have their identity accurately reflected in government documents. They are accomplishing this by making it difficult for some communities to obtain state identification documents, by raising barriers to updating documents with accurate gender markers, and by redefining sex under the law to erase transgender, nonbinary, and intersex people. Being accurately recognized by one's government on a state ID is important for accessing public services, interacting with private businesses, and exercising the right to vote in many states.

Raising Barriers to Acquiring Accurate State Identification Documents

In its efforts to curtail freedoms, far-right actors have worked to prevent some people from being able to obtain ID documents and made it significantly harder, if not impossible, to update IDs to accurately reflect name or gender marker changes. IDs are often necessary for people to avail themselves of the same freedoms and security that others enjoy unencumbered.⁷⁴ These freedoms include voting rights for eligible citizens, securing basic needs like housing and health care, access to essential services such as social safety net programs and banking, and everyday activities including domestic air travel and legally authorized driving.

In recent years, many states have moved toward allowing undocumented immigrants to obtain a driver's license. This improves roadway safety for all, as more drivers have gone through the learning process to pass their driver's exam and allows more people able to secure car insurance. However, there are currently still 31 states that make no such allowances.⁷⁵ When such legislation allowing otherwise eligible immigrants to get driver's licenses is introduced, far-right leaders and activists challenge these bills citing unsubstantiated claims that the policy will result in increased voter fraud and encourage unauthorized immigration. For example, after Massachusetts passed such a law (and then overrode the Republican governor's veto), a far-right group organized a campaign to repeal the law by ballot initiative.⁷⁶ Only after a majority of Massachusetts voters

defeated the repeal ballot measure did undocumented people gain access to all of the freedoms, apart from voting, that are accessible with a state ID.

The far right has also moved to obstruct transgender and nonbinary people from updating their state IDs to accurately reflect their gender. For example, states already vary widely in their processes for updating the gender marker on a driver's license, but now 10 states either require invasive and private medical documentation or other burdensome requirements (eight states) or explicitly and totally ban any gender marker changes at all (two states).⁷⁷ The result of these various complex and onerous requirements is that 68% of transgender and nonbinary adults do not possess a driver's license that accurately matches their name and gender identity—more than five times the national average of adults that lack a valid license (12%).⁷⁸

These restrictions on access to accurate state IDs have profound negative impacts on undocumented and transgender people (as well as Black, Indigenous, and low income communities, and people experiencing housing instability, who experience additional barriers to ID access).⁷⁹ People without state IDs can be turned away from emergency housing, social safety net plans such as the Supplemental Nutritional Assistance Program, and may not be able to board domestic flights, among so many other facets of society. Undocumented immigrants may need to drive to attend school or work, but not having a valid license creates a risk of criminalization. Further, without a license, they may face barriers to purchasing car insurance, which could not only reduce the cost of accidents, but incentivize drivers to stay on the scene in the event of a crash, which can help save their life or the lives of others involved in the incident.⁸⁰ They may not be able to seek non-emergency medical care, as many practitioners require patients' IDs for various purposes. Moreover, transgender and nonbinary individuals with accurate IDs report greater mental wellness than those without accurate documents,⁸¹ whereas those with inaccurate IDs are often denied needed public and private services, deprived of the right to vote, verbally harassed, or physically attacked after showing an inaccurate ID.⁸² Everyone should be able to access IDs that accurately reflect their identity and allow them to move safely through their day-to-day life, free from risk of discrimination.

Redefining Sex to Enable Discrimination

Transgender, nonbinary, and intersex people exist, and—like all people—deserve to be treated with respect and live free from discrimination. However, the far right has undertaken a mission to limit the freedoms of these communities—as well as LGBTQ people and women more broadly—and further to make it explicitly legal to discriminate against them.

One newly emerging type of attack on these communities is to redefine the demographic category of sex throughout all state law in a manner that intentionally excludes transgender, nonbinary, and intersex people and their rights—and that intentionally limits the freedoms of and enables discrimination against these communities, such as the denial of their ability to obtain accurate identity documents that reflect their gender, or to use bathrooms and facilities that match their gender.

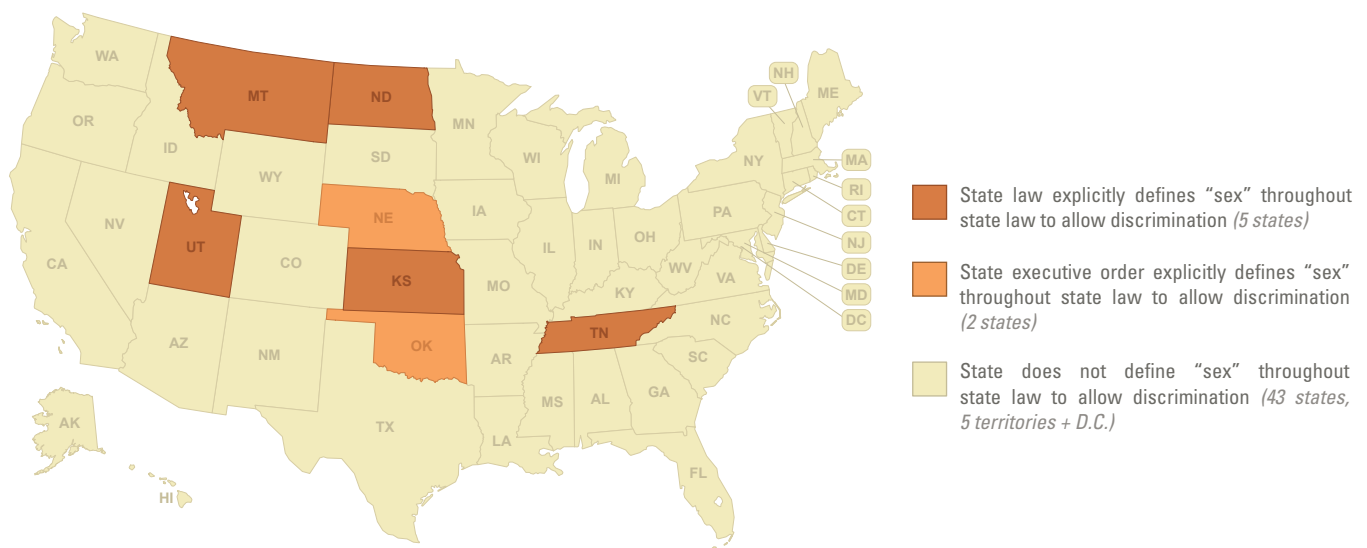
Specifically, these laws define sex in overly simplistic, binary, and inaccurate ways, often reducing people solely to their reproductive anatomy or their ability to have children. These definitions aim to prevent transgender people from being legally recognized as their gender identity, and further to prevent LGBTQ people more broadly from being protected by existing laws banning discrimination based on sex. These definitions also harm intersex people, whose sex traits

or reproductive anatomy naturally differ from the very sex binary these laws insist upon.

What's more, these definitions could turn back the clock and reverse generations of established legal protections for women, such as protections against discrimination based on sex-based stereotypes and sexual harassment. This could allow employers to tell women how they are and aren't allowed to dress, what kinds of jobs they can and can't have, and who they are and aren't allowed to be.

As of March 2024, seven states now have laws or policies redefining sex in this way,⁸³ as shown in *Figure 2*, with far-right actors in those states already manipulating these laws to enforce even stricter limitations on freedom. For example, after Kansas enacted such a law in 2023, the state's attorney general filed a lawsuit seeking to not only ban the ability to change one's gender marker on government IDs and birth certificates, but also to *retroactively rescind* any such changes that had been made even prior to the sex definition law.⁸⁴ As discussed earlier, the lack of access to an accurate state ID can have devastating effects. This puts these communities in the precarious position of either relying on a legally noncompliant ID or getting a compliant but inaccurate ID that puts them at risk for discrimination, harassment, and violence.⁸⁵

Figure 2: In Less Than One Year, Seven States Redefined “Sex” Throughout State Law to Allow Discrimination



Source: MAP’s [Equality Maps](#). Data as of March 1, 2024.



RESTRICTING FREEDOM OF THE PRESS, EXPRESSION, AND ASSEMBLY

Another goal of the far right is to restrict people's freedom of expression. They are achieving these goals by silencing political opponents, interfering with the freedom of the press, punishing and restricting corporations that speak out in support of communities the far right does not respect, punishing educators for expressing support for LGBTQ communities or sharing their own marginalized identities, and enacting anti-protest laws that threaten members of the public who assemble to express dissent to government actions. These First Amendment rights that are increasingly under fire constitute the very bedrock of American democracy. With few specific exceptions, people ought to be able to express themselves without being afraid that their government will punish them or interfere with their businesses, to be informed by a press that is not subject to government censorship, and to peacefully assemble with others to demand change from their government.

Limiting the Freedom of the Press

A free press helps people understand the events happening around them and what their government is doing. This understanding is a part of ensuring a stable democracy where citizens can participate in the political process, informed by uncensored journalism. Yet the far right is attempting to hamper the free press.

For example, in 2023, Florida tried to pass a bill that would require online journalists who do not work for a newspaper to register with the state if any of their writing concerns state elected officials.⁸⁶ They would have to report any money they receive for their work and file a report with the state for every month in which they wrote about a Florida government official. Failure to comply would have been eligible for up to \$2,500 in state fines.

In addition, the U.S. Press Freedom Tracker, which documents incidents of government and private interference with the free press, has documented 138 incidents of press interference in 2023, including journalist arrests, equipment searches and seizures, and subpoenas to disclose their sources, among other forms of press attacks.⁸⁷ In light of these kinds of attacks on the press, Pew Research Center polling has shown that the majority of journalists in the United States say that they are extremely or very concerned about possible restrictions on press freedoms.⁸⁸

These attacks on freedom of the press undermine a healthy democracy. Journalists should not have to fear reprisal for reporting on factual matters, including government activities and public protests. Furthermore, people should not have to wonder whether the news they consume omits critical information because of government censorship and pressure. If people cannot learn accurately about how their government is operating and what is happening in the world around them, they cannot make informed decisions at the ballot box and cannot effectively organize to push for changes in society.

Cracking Down on Corporate Speech

Far-right leaders are also punishing companies for speaking out about social and political issues, opposing discriminatory and anti-democratic legislation, adopting abortion travel benefits for employees, and making environmentally conscious decisions. Corporate stances in opposition to far-right policies, whether in the form of public statements or internal operational decisions, have been met with targeted legislation, calls for boycotts, and harassment.

Companies that spoke out against Georgia's 2021 law restricting voting rights were met with reprisal by far-right politicians.⁸⁹ For example, the Atlanta-based airline company Delta was faced with state legislation that threatened its multi-million-dollar jet fuel tax benefit. Similarly, when Disney spoke out against Florida's Don't Say Gay law, Governor DeSantis undertook a campaign to punish the company. Thus far Florida has retaliated by taking over Disney's previously self-governing district,⁹⁰ eliminating the district's DEI committee,⁹¹ eliminating Disney employees' beneficial access,⁹² and has threatened to build a state prison near the park to deter tourism.⁹³

Additionally, companies with lines of merchandise celebrating Pride month, such as Target, Walmart, and Adidas, have been targeted by the far right with harassment campaigns that have included violent threats to employee safety and vandalism of pride displays.⁹⁴ And companies that have provided abortion travel benefits in the wake of the *Dobbs* decision have been threatened with criminal sanctions by state legislators.⁹⁵

Finally, in 2023, at least 32 states introduced bills attacking corporate Diversity, Equity, and Inclusion (DEI) efforts or Environmental and Social Governance (ESG) efforts, and 12 states have enacted these laws. These bills primarily target the state's own ability to contract with companies that engage in DEI and ESG efforts, such as prohibiting state contracts with companies that have

divested from mining, fossil fuels, and firearms stocks, and forcing state pension funds to divest from ESG conscious portfolios. These moves have already resulted in higher government borrowing costs and dire warnings from public pension managers that future retirees stand to lose millions of dollars annually.⁹⁶ In addition, some of the legislation actively restricts the activities of private companies by attempting to prohibit business from requiring DEI training for their staff and restricting financial services companies from considering ESG when providing investment options.

These government actions do not align with consumers' sentiments about corporations. A 2023 report by GLAAD found that 70% of non-LGBTQ people agreed that "companies should publicly support and include the LGBTQ community" in hiring, advertising, and sponsorships.⁹⁷ Additionally, a Morning Consult poll found that a majority of 2023 midterm voters did not believe politicians ought to punish companies that advocated against discrimination (71%), that spoke in support of reproductive rights (72%), or that provided support for employees accessing out-of-state reproductive services (66%).⁹⁸

These attacks on businesses' speech do not just affect the corporate bottom line. People should be able to spend their hard-earned money on goods and services from companies that reflect their values. Employees should be able to expect adequate anti-discrimination training and healthcare protections where they work. Pensioners should be able to trust that their funds can be invested in the portfolios that are most beneficial to their future retirement, including ESG conscious portfolios. These laws sap the wallets and wellbeing of ordinary people.

Chilling Educators' Expression

If a quality public education system is a necessity for a robust democracy, educators form the backbone of that system. Yet both grade school and university educators have come under fire by far-right policymakers and activists when they do not adhere to a far-right world view. Not only have they been threatened with professional penalties for providing safe spaces for LGBTQ students and teaching accurate history about race, but they are under immense pressure with the proliferation of laws that create burdensome surveillance over their classroom content. All of this is occurring over the backdrop of a worsening national K-12 teacher shortage.

For example, teachers in North Carolina⁹⁹ and Missouri¹⁰⁰ have been fired for allegedly teaching critical race theory. A college professor was fired for expressing support for unions and for the removal of confederate monuments.¹⁰¹ Elsewhere, teachers have been fired for answering student questions about a pride-themed bracelet and sharing their pronouns at the end of their email signatures.¹⁰²

Alongside instances of educators being fired under the guise of education censorship laws, many educators are being surveilled in and outside of the classroom. A report from Pen America found that from 2021 to 2023 at least 67 teacher inspection bills were introduced across the country.¹⁰³ One bill in Indiana (HB 1231, 2021) went so far as to "allow any taxpayer to observe classroom instruction at any time requested by the taxpayer," irrespective of potential disruptions to the classroom or students' ability to learn.

Amidst these and other pressures, some educators are leaving their state to teach elsewhere or leaving the profession altogether. This leaves many young learners with stand-ins who may be underqualified or even uncertified for teaching.

America's youth deserve access to high quality education, led by trained professionals, and America's educators deserve a workplace where they are not constantly in fear of losing their livelihoods and having their work unduly scrutinized. Under heavy surveillance, educators are discouraged from adjusting their lesson plans based on new information or organic classroom discussions, even if their professional training would encourage those adjustments. And with bills attempting to permit any taxpayer to observe classroom instruction, student's learning could be disrupted, teachers could be intimidated by far-right activists, and classroom security could be threatened.

Undermining the Right to Protest

Another critical component of the freedom of speech is the right to participate in protest, including the freedom to assemble. Protest is woven into the fabric of American democracy, with many protests preceding the American Revolution itself. And yet, far-right legislators have been working overtime to pass new anti-protest laws that put protestors in legal and sometimes physical jeopardy. Instead of recognizing how fundamental protest is to moving society toward more freedom and fairness, the far right wants to silence those who want to exercise their fundamental freedom to peacefully protest.

From 2020 to 2023, states introduced at least 160 anti-protest bills, and 26 of these bills have become law.¹⁰⁴ Nearly 100 of those bills introduced were in 2021, the year after the mass protests for Black lives following the murder of George Floyd. The bills use a variety of tactics to try to suppress protest before it can begin, or to punish people who participate.

For example, laws that were passed in Oklahoma, Florida, and Iowa grant immunity to vehicle drivers who kill or harm protesters by driving into the crowds.¹⁰⁵ These laws were passed after it was reported that drivers hit demonstrators with their cars in over 100 separate incidents during the protests of 2020 alone.¹⁰⁶ Other states have attempted to punish protest participants by making anyone charged with so much as a misdemeanor at a protest ineligible for any public assistance. A 2023 bill in Minnesota, for example (SF 935), would have permanently disqualified such protesters from receiving student loans, unemployment benefits, housing assistance, or food assistance, among other public benefits.

People should be able to peacefully gather to demand action and accountability from their government on the issues that matter to them. The ability to do so freely and safely matters. Protests do more than inform government of the demands of their people; they bring issues to the attention of the public, potentially galvanizing civic participation from protesters and non-protesters alike. Additionally, whether or not the most recent protest movements in the United States are issues that matter to everyone, anyone might find that they wish their government to take different or better actions on future issues in the public sphere. Whoever may choose to engage in protest, they should not be subjected to state-protected violent backlash, losing access to public benefits, or criminalization for peaceful assembly.

Silencing Political Opponents and Those Who Disagree

In 2023 alone, three state legislatures with right-leaning majorities used their power to silence, censure, and even expel other elected officials. Notably, each silenced legislator was a member of a racial, religious, and/or gender minority.¹⁰⁷ Silencing dissent from political adversaries not only infringes on the freedom of speech of those politicians, but also undermines the representation of the constituents that they were elected to represent.



In Tennessee, the state House of Representatives voted to expel two Black lawmakers, Representatives Justin Jones and Justine Pearson, because they participated in a peaceful protest on the House floor. The protest was in response to legislative inaction on gun reform after the state suffered a mass shooting at an elementary school.¹⁰⁸



In Montana, Representative Zoey Zephyr, Montana's first transgender legislator, was barred from speaking on the House floor for the rest of her term in office because her far-right opponents did not like the way that she spoke out against legislation that banned best practice medical care for transgender youth.¹⁰⁹



Finally, in Oklahoma, Representative Mauree Turner, who is Black, Muslim, and nonbinary, was censured. Turner had been an outspoken opponent to several pieces of anti-transgender legislation, and had already faced social ostracization in the legislature. They were then stripped of their committee assignments after allowing a protester to take refuge in their office after the protester's partner had been arrested at the demonstration. The legislature argued Turner had impeded law enforcement from arresting the protester although at the time Representative Turner was unaware that law enforcement was looking for the protester, and as soon as they did know, Turner reached out to security personnel for next steps.¹¹⁰

Each of these examples falls into a trend of far-right elected officials formally disempowering outspoken political opponents. This means that despite the fact that each of these legislators were duly elected, their constituents were functionally left without representation in the chambers of their state legislatures. Censures and expulsions of legislators for violating the expectations of their office are not inherently bad. In fact, accountability for elected officials who violate their oaths of office or ethical responsibilities is a part of maintaining a healthy democracy. However, explicitly targeting ideologically opposed legislators for vociferously representing their constituents is inherently undemocratic, and it also silences the voters that put them in office.



RESTRICTING THE RIGHT TO VOTE IN FREE AND FAIR ELECTIONS

The far right also works to restrict one of the most core American values: the freedom to vote. While our country has never fully lived up to this value nor made it equally available to all, the far right's goal is to make it even harder for people to vote, and to water down the votes of those who disagree with the far right. These efforts disenfranchise historically marginalized groups and those whose votes have already long been denied, cut citizens out of participating in policy change, and create artificial barriers that target voters whose views don't align with far-right ideology.

Erecting Barriers to Voter Registration and Casting a Ballot

For years, the far right has spread disinformation about supposed massive voter fraud as a false justification for enacting ever-increasingly restrictive voting policies. Their efforts have accelerated since the elections in 2020,¹¹¹ when many states made accommodations to keep voters safe during the COVID-19 pandemic, such as expanding mail-in voting and ballot drop boxes. Another contributor to the increase in restrictive policies was the failed campaign of former President Donald Trump, which led to a great degree of far-right rhetoric about "rigged" elections. The far right is also advancing voter suppression by making it harder for people to register to vote or to cast a ballot at all. State legislators introduced nearly 400 bills to restrict voter access within the first half of 2023 alone.¹¹²

Voter Registration Restrictions

Before anyone can cast a ballot, they must register to vote in their state of residence. Convoluted voter registration systems alone can be a deterrent from participating in elections, particularly for young and first-time voters.¹¹³ The far right knows this and is working to exploit this and to make registration more onerous—especially as new voters are primarily younger, and on average more progressive voters.

As of March 1, 2024, voters in eight states cannot register online;¹¹⁴ 26 states do not allow automatic voter registration;¹¹⁵ and 28 states do not allow people to register on the same day as an election.¹¹⁶ These intentional choices by states make it more difficult for voters to exercise their right to vote.

Additionally, the far right is making it harder for third party groups to engage in voter registration drives, wherein groups (often non-partisan) hold events to register eligible voters and submit the registration applications in bulk to the state. There are currently 23 states with burdensome restrictions on third-party voter registration drives and an additional two states that ban these drives altogether.¹¹⁷ For example, in 2023, Florida passed a sweeping voting restriction law making it more difficult and costly for third-party voter registration groups to operate.¹¹⁸ Among other new restrictions, the law increases the fines for any errors in registrations submitted to the state; shortens the window of time for groups to submit registration applications; and prohibits non-citizens from volunteering with these groups, also creating a new \$50,000 fine for each violation.

The far right is also actively resisting efforts to improve voter registration processes. For example, when Pennsylvania Governor Josh Shapiro announced that the state would be transitioning to automatic voter registration (a system that registers eligible citizens to vote as they renew their driver's license, unless they opt out), far-right elected officials threatened to sue.¹¹⁹

These examples demonstrate the far right's intentions, but they are only the opening salvo against voting rights. If preventing efficient voter registration is act one, act two is preventing registered voters from casting their ballots at all.

Preventing People from Voting

Should people overcome the hurdles to voter registration, the far right relies on another tactic: preventing people from voting at all. They achieve this by making it too time-consuming for people from certain areas to vote, purging registered voters from voter rolls, and making formerly incarcerated people jump through extraordinary hoops to regain their right to vote. These anti-democratic efforts result in the disenfranchisement of millions of Americans.

Having the opportunity to go to the polls in person, if one cannot or chooses not to vote by mail, is a necessary safeguard to the freedom to vote. Yet in 19 states and D.C., Election Day is not a public holiday and employers are not required to provide paid time off to vote.¹²⁰ Because Election Day is a Tuesday, people are typically working, and therefore, if their state does not have protections, they have to lose leave time at work or lose pay for the time it takes them to go and

vote. This problem is exacerbated by how long it takes for people to be able to vote. In particular Black, Latino, and poorer communities experience disproportionate wait times that can require up to several hours in line—and these communities are generally less able to absorb the impact of lost wages.¹²¹ These excessive wait times coincide with the closure of polling places in these same communities, a tactic that has exploded since the Supreme Court overturned key provisions of the 1965 Voting Rights Act in *Shelby County v. Holder*.¹²²

Although voters in most states have access to some degree of early voting as an alternative to voting on Election Day, the far right has also attempted to shrink access to this option. For example, in 2021, both Georgia and Texas tried to pass laws to eliminate or restrict early voting on Sundays.¹²³ This pernicious strategy is directly linked to efforts to suppress Black votes, because Black religious communities, especially in the south, have encouraged voter turnout via a longtime tradition of “Souls to the Polls” days. These events transport churchgoers who may not be able to vote during the

week for lack of time off, childcare, or transportation, to the polls to vote early on Sundays. Currently, three states do not offer early voting at all, and four states offer seven days or fewer for early voting.¹²⁴

Another roadblock to voting is having the proper documentation to be able to vote. Far-right legislators have pursued enacting strict voter ID laws that disproportionately impact young voters, voters of color, voters who are less resourced, and urban voting populations with access to ample public transportation. Voters who do not have cars tend not to have drivers’ licenses, which are the typically expected photo ID. Further, even though the laws require photo IDs, several states have specified that student IDs (which include photos) are not valid for the purpose of voter identification.¹²⁵ These are only some of many efforts to suppress youth voter turnout.¹²⁶

Finally, the far right is working overtime to purge voters whom they expect to vote against right-leaning candidates from the rolls. States are responsible for



Restrictions on Voting Restoration for Formerly Incarcerated People

Nearly every state restricts people who are currently incarcerated for a felony from voting. In most of these states, however, these individuals regain their right to vote automatically once they are released, or after the completion of probation and parole. And yet in 11 states—where nearly 20% of eligible voters live—people in this position must meet additional requirements to have their voting rights restored, despite having served their sentence.¹

For example, Tennessee’s Supreme Court held that formerly incarcerated people would have to have their rights restored by a judge or provide evidence that they were pardoned, which would require either more interaction with the justice system or pursuing and receiving an official pardon from the state.^m

The far right is also working to undermine efforts to restore voting rights, even subverting statewide election outcomes to do so. In Florida, for example, after voters passed a constitutional amendment to automatically restore voting rights to felons who had completed their sentences, Governor Ron DeSantis signed a law that redefined completion of one’s sentence so broadly as to likely prevent the restoration of voting rights for many.ⁿ Beyond release from incarceration, the new definition includes completing probation, court ordered supervision, and—importantly—full payment of any court fines, fees, or other costs. In other words, this new definition means that even if a person could meet every other new requirement, they may still be denied the right to vote because they cannot afford the financial costs. Given the significant obstacles to employment faced by many formerly incarcerated people—not to mention the now long-illegal practice of imposing poll taxes—this financial requirement, as well as these broader blatant efforts to block the right to vote, are especially shocking.

¹ MAP, “Democracy Maps: Voting Rights for Formerly Incarcerated People,” Data as of March 1, 2024.

^m Tennessee Supreme Court. 2023. *Falls v. Goins*.

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maintaining up-to-date voter rolls to ensure that everyone voting in an election is eligible to participate. As it stands, 20 states remove registered voters from the rolls based on their inactivity in consecutive elections or based on a set number of years of not voting.¹²⁷ The rate of voter purges and the removal of vast quantities of voters have increased dramatically in recent years, especially in states that were subject to the requirement that federal courts clear any changes to their voting rules before *Shelby County v. Holder* was decided.¹²⁸ Far-right officials have purged voters based on inaccurate information, such as non-existent felony convictions, ignoring restored voting rights for felons that had met all requirements to become eligible to vote again, or falsely flagging that a registered voter had died based on improper data matching methods.



**Close to 100,000 Voter Registrations Were
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Additionally, voter roll purges are supposed to happen early and with public notice so that if an erroneous purge is made, there is time for affected voters to re-register. However, far-right leaders have been flouting these norms. For example, the Secretary of State in Ohio purged over 26,000 voters from the rolls two weeks before its 2023 election registration deadline,¹²⁹ which was expected to have especially high turnout due to a proposed constitutional amendment on the ballot about abortion access.⁹ Notably, it is not just far-right government officials working to purge registered voters—in Georgia, far-right activists personally filed 89,000 challenges to names on the state's voter roll in an attempt to create barriers for otherwise eligible voters to participate in the next election.¹³⁰ Not all of the challenged voters received notice in time to appeal their challenges, and those who did had to travel to a hearing to defend why they should have their registration reinstated.¹³¹ Others were only able to vote with provisional ballots and for those provisional votes to count, they had to go to a hearing and again, defend the validity of their vote. These events have a chilling effect that dissuades people from believing in the integrity of

the elections. They also make people fear casting a ballot because they do not want to be accused of voting illegally which can have serious criminal repercussions—meaning that even perfectly eligible voters may sit out of an election to err on the side of caution.

Making it harder for people to participate in elections is profoundly anti-democratic. States are entitled to ensure that everyone who is voting is eligible to do so. But erecting complicated barriers that prevent eligible people from registering or from voting altogether violates the heart of the American social contract: our government is legitimized by the consent of the governed. It is egregious that so many groups of people should be implicitly targeted by laws that make it harder for them to exercise a right that was won over years of struggle. Additionally, these efforts disproportionately impact historically marginalized voters, be they voters of color, young voters, and immigrants who gained citizenship. Attacks on mail-in voting affect voters who may not be physically able to vote in person, whether they are a person with a disability or military personnel voting from overseas. The result is a government that does not adequately represent the views, goals, or communities of the people that it governs. This makes it much more difficult for citizens to come together to elect leaders who will hear them and who will move the levers of power to create the changes that people want.

Impeding Ballot Initiatives

Another important aspect of the freedom to vote that is under fire is the ability for voters to create change via ballot initiatives, also known as direct democracy. Ballot initiatives allow people to vote on various important issues that then must be enshrined in the state constitution or statutes. These initiatives can be a vital way for voters to make change. This is especially true in states where legislators and Governors are unresponsive to the will of the majority of their electorate. Nevertheless, far-right actors who recognize that most voters do not in fact want all of these freedoms curtailed are trying to restrict ballot initiatives by making it harder for citizens to put issues on the ballot in some of the 19 states where citizens may independently create such initiatives.¹³² Opponents to citizens participating in direct democracy are also working to make it harder for ballot initiatives to pass.

⁹ Despite this and other far-right election interference efforts, Ohioans voted overwhelmingly to protect abortion access in the November 2023 election.

For example, Ohio's far right recently tried to raise the threshold for ballot initiatives to pass to 60% of votes instead of a simple majority.¹³³ They brought this initiative for citizens to vote on during a special election in August of 2023, a time during which there was expected to be especially low voter turnout because it was not a presidential election year, and that date was months before the election season that people are accustomed to. However, Ohio voters showed up in force to reject the state constitutional amendment proposed in the initiative. Notably, voters defeated the measure with 56.5% of the vote, lower than the threshold the amendment would have instituted. This Ohio attack on direct democracy tellingly preceded a citizen-led ballot initiative in the 2023 November election to protect abortion rights, which ultimately succeeded.

The ability for citizens to vote directly on matters that affect them serves as both a method of creating change and a means to defend against attempts to dilute voters' power. Voters ought to be able to engage in a fair and reasonable process of direct democracy to pass laws and constitutional amendments that they could not rely on extremely partisan legislatures to pursue. The importance of this freedom is clear from the breadth of critical issues citizens have voted on directly, including abortion protections, restoring formerly incarcerated people's right to vote, raising state minimum wages, creating nonpartisan redistricting commissions to draw electoral maps, and more.¹³⁴ Communities should be able to pass measures that reflect their priorities without extremist interference.

Partisan Gerrymandering and State Legislature Interference in Elections

One reason access to voting is so essential is that it enables people to select who will represent their interests in government. Far-right leaders are working to get around this principle via partisan gerrymandering. Gerrymandering is the process of partisan actors redrawing legislative maps in a way that specifically favors a particular party or candidate. Such maps have been used to dilute the power of racial minorities and others. By engaging in gerrymandering, state legislators not only attempt to dictate the partisan makeup of the federal legislature, but they turn the function of state legislative elections on its head: essentially, partisan redistricting allows state legislators to choose their voters, rather than their voters choosing them.

While the Supreme Court has held that it is unconstitutional for legislative map designers to predominantly consider race in drawing districts, far-right advocates have nonetheless been pushing racially discriminatory maps, to the extent that several states have had to redraw their maps in 2023.¹³⁵ In the case of Alabama's maps, the Court rejected the state's map designs in two consecutive orders.¹³⁶

States are, however, allowed to draw maps principally considering the partisan make-up of the areas, and in 29 states, state legislatures draw these congressional district maps without any citizen or independent advisory commissions,¹³⁷ leading to further and further gerrymandering. At times the artificiality of these gerrymandered maps becomes obvious in state elections where one party dominates the legislature and yet the statewide popular vote leads to governors of the opposite party being elected.

These gerrymandered state legislatures have recently claimed additional power over elections by passing laws that potentially would enable them to interfere in elections and potentially overturn legitimate election results. Since 2020 and the far right's false claims of a stolen election, nine states have enacted laws that allow their state legislatures to seize power over other aspects of election administration, as shown in *Figure 3* on the next page.¹³⁸ For example, Georgia passed a law that removes the Secretary of State from their role as head of the State Election Board, lets the legislature reject any emergency changes by the State Election Board, and more.

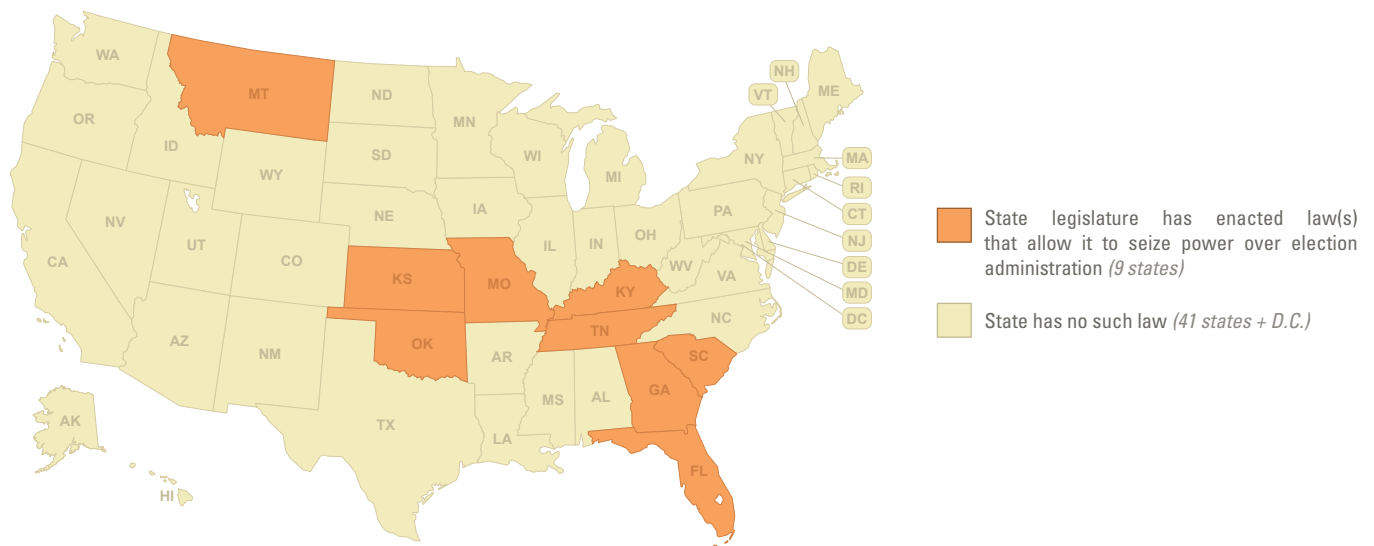
Further, the far right has been pushing for policymakers and the courts to recognize the legally dubious Independent State Legislature theory.¹³⁹ Proponents of the idea suggest that state legislatures, which hold the constitutional responsibility to write most of the laws about how state and federal elections are to be conducted, are not subject to checks and balances by the other branches of state government when it comes to electoral rules. One goal of this theory is to prevent state courts from reviewing whether the legislative measures adopted to make voter access more difficult violate their respective state constitutions. Another goal is to undermine governors' and state elections administrators' ability to implement policies that do not comport with the far right's electoral ambitions. Independent State Legislature theory supporters put this interpretation of the U.S. Constitution to the test in *Moore v. Harper*.¹⁴⁰ In

that case, the Supreme Court ultimately disagreed with the broadest interpretation of the theory, leaving state courts with the ability to apply state constitutional review to legislative electoral changes.¹⁴¹ However, the court left the question of what standard federal courts should apply if the legislatures appeal state court decisions before federal judges. Therefore, there are still likely to be future lawsuits filed to test the limits of the Supreme Court's dismissal of the theory.

All of this is occurring over a backdrop of far-right election denialism that has taken hold amongst policymakers, media figures, activist groups, and others.¹⁴² Election denialism boomed after claims that the 2020 Presidential election was stolen. The denials manifest in claims of widespread voter fraud, conspiracy theories about nonpartisan election workers, and legally and factually baseless lawsuits seeking to overturn election results. Approximately 300 election-denying candidates ran for office in 2022, all the while spreading disproven lies about the integrity of American elections.¹⁴³ A recent report from the Brennan Center for Justice lays out election deniers' expected tactics in the 2024 elections including: refusing to concede losses; refusing to certify legitimate election results; attempting to illegally access voting data and equipment; recruiting election deniers to serve as poll workers; threatening election officials and workers; and intimidating voters.¹⁴⁴

These far-right efforts to deny people free and fair elections under the specter of unsubstantiated claims of voter fraud perversely create elections with results that may not be representative of the will of the voters. Voters ought not to have their will subverted with aggressively gerrymandered maps and legislative attempts to overturn or prevent their votes. They do not deserve to be intimidated while exercising their constitutional right to vote. These tactics undermine people's faith in elections that are genuinely fair, and water down the value of their participation in the process. As with other attacks on the freedom to vote, partisan gerrymandering and state legislatures' election interference disproportionately affects historically marginalized voters. Furthermore, it weakens the democratic system on which the entire populace depends—whether they vote or not. Finally, these efforts undermine the ability for people to push back in defense of every single other freedom that is under fire from far-right extremists.

Figure 3: Since The False Claims of a Stolen 2020 Election, Nine States Have Enacted New Laws to Allow Legislatures to Interfere With and Seize Control Over Election Administration



Source: MAP's [Democracy Maps](#). Data as of March 1, 2024.

CONCLUSION

This report shows that the far right is on a multi-issue campaign to enshrine a narrow, exclusionary society. The politicians, extremist groups, and activists that comprise the far right have demonstrated that they want to dictate what people can think, do, and say. They want to constrict people's freedom to make their own decisions about their health, bodies, and identities. And to clear a path for their efforts, they want to silence anyone who would apply pressure to the levers of power in opposition to them, whether they are voters, protesters, the press, or political opponents. Their tactics to achieve these goals are to attack the bedrock freedoms of democracy in the courts, in the legislatures, and in the public discourse. When they rack up policy victories along their path, everyday Americans suffer concrete harms, including worse health outcomes, the loss of a quality education, and barriers to basic needs like social safety net benefits. If the far right succeeds in this multi-pronged attempt to reshape society, the price will be liberty.

This report's findings also illustrate that on each of these fronts, everyday people, advocacy organizations, community groups, and conscientious policymakers are indeed fighting back. The many victories in ballot campaigns to protect reproductive choice, the consensus on best-practice care from medical associations, the public opinion polls, and more show that the far right's vision for society is both unpopular and unfounded. This nation was born of a fight for liberty, and from that moment to today, people have been pushing for the expansion of freedoms and the inclusion of more communities.

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