



Model Gubernatorial Executive Order

Executive Order

[DATE]

Protecting Non-Profits and Charitable Foundations From Politically-Motivated Targeting By The Federal Government

WHEREAS, non-profit organizations and charitable foundations serve innumerable, critically important functions that deeply benefit our state and society, including feeding, clothing, and housing people in need, providing low-cost health services, enabling academic research and inquiry, assisting with job training and employment efforts, promoting independent journalism, protecting civil rights, human rights, and civil liberties, supporting the arts, and aiding at-risk, underserved, disadvantaged, and vulnerable persons and groups;

WHEREAS, under the guise of “Countering Domestic Terrorism and Organized Political Violence,” President Donald Trump issued a presidential memorandum (NSPM-7) on September 25, 2025 directing the United States Attorney General and the Secretaries of State, the Treasury, and Homeland Security to “request operational assistance from and coordinate with law enforcement partners,” including those on the state and local level, to identify, target, and investigate “institutional and individual funders, and officers and employees of organizations” who engage in vaguely defined and potentially First Amendment-protected speech and activities that are viewed unfavorably by the Trump Administration;

WHEREAS, NSPM-7 orders Joint Terrorism Task Forces (JTTFs), which are FBI-operated partnerships between federal law enforcement and intelligence agencies and state and local law enforcement, to “coordinate and supervise a comprehensive national strategy to investigate, prosecute, and disrupt entities and individuals” who President Trump views as his political opponents;

WHEREAS, the State of **[STATE NAME]** and I unequivocally condemn all acts of terrorism and political violence, but recognize that, as used in NSPM-7, these vague and broad terms can be used as pretexts for selective and retaliatory enforcement measures, unwarranted investigations and prosecutions, and the targeting of political opponents;

WHEREAS, the Trump Administration has consistently shown an interest in using the levers of government to silence and persecute its real and perceived political opponents and to force others to capitulate to its political agenda;

WHEREAS, it would do irreparable damage to the non-profits and charitable foundations who serve innumerable people both within and beyond the State of [STATE NAME], as well as to core American values – including freedom of speech, freedom of association, the right to privacy, and principles of equal protection – to allow State of [STATE NAME] personnel or any highly sensitive data or information in the State's possession or control to be used to assist with NSPM-7 investigations and related measures that are aimed at intimidating, undermining, and silencing non-profits and charitable foundations whose work and objectives may be viewed as inconsistent with the political agenda of the President of the United States; and

WHEREAS, the United States of America and the State of [STATE NAME] have court systems that operate free from the influence of politics and political agendas, and are designed to independently evaluate the legitimacy of government attempts to compel the production of private information;

NOW, THEREFORE, by the power vested in me as Governor of the State of [STATE NAME], it is hereby ordered:

§ 1. No agency of, employee of, or person acting on behalf of the State of [STATE NAME], or any political subdivision thereof, may cooperate in furtherance of any federal efforts, made pursuant to NSPM-7, to target non-profits, charities, and their leaders, employees, contributors, and beneficiaries, including by providing access to government surveillance data or other non-public information, either voluntarily or pursuant to a multi-jurisdictional partnership or agreement, to any federal employee or government entity unless the State agency, employee, or person acting on its behalf, including any agency, employee, or agent of any political subdivision of the State, is confident to a reasonable degree of certainty that the assistance or the data or information requested will not be used to advance NSPM-7's targeting of any non-profit organization or charitable foundation, or leader, employee, contributor, or beneficiary thereof. In cases where there is reasonable doubt as to the intent or purpose of the requested assistance, data, or information, the request should be denied.

§ 2. Because federal administrative subpoenas are not enforceable in the absence of a court order requiring compliance, all federal administrative subpoenas shall be treated as voluntary requests. All other administrative subpoenas shall also be treated as voluntary requests unless, under law, it is self-executing, in which case it shall be honored only to the extent required by law.

§ 3. To ensure the State of [STATE NAME] continues to engage in appropriate, non-politically motivated law enforcement and other governmental operations, where an agency, employee, or person acting on behalf of the State of [STATE NAME], or any political subdivision thereof, declines to voluntarily provide access to any surveillance data or other non-public information pursuant to this Order, they shall inform the requesting person or entity that the State of [STATE NAME] or the appropriate political subdivision thereof will provide the requested information only if required to do so pursuant to a valid, judicially-issued, probable cause warrant or court order.

§ 4. To the extent this Order conflicts with any existing cooperation or data or information sharing agreements, the rules set forth in this Order shall take precedence. If the terms of any existing cooperation or data or information sharing agreement prevent the State of [STATE NAME], or any political subdivision thereof, from fully effectuating the rules set forth in this Order, then such terms shall be amended or the agreement shall be terminated in accordance with the provisions of the agreement and applicable law.

§ 5. Every agency of the State of [STATE NAME], and of all political subdivisions thereof, shall immediately adopt specific policies and procedures, including employee trainings, to ensure this Order is promptly, consistently, and reliably adhered to.

§ 6. Any agency, employee, or person acting on behalf of the State of [STATE NAME], or any political subdivision thereof, who violates this order shall be subject to appropriate disciplinary action.

§ 7. This Order shall take effect immediately.

[GOVERNOR'S NAME]

Governor