

No. 26-10735

IN THE
**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

CAIR FOUNDATION, et al.,
Plaintiffs-Appellees,

v.

GOVERNOR, STATE OF FLORIDA,
Defendant-Appellant.

On Appeal from the United States District Court
for the Northern District of Florida, Tallahassee Division
No. 4:25-cv-516-MW
Hon. Mark Walker, District Judge

**BRIEF OF *AMICI CURIAE* SEVEN FLORIDA NON-PROFIT
ORGANIZATIONS IN SUPPORT OF PLAINTIFFS-APPELLEES
AND AFFIRMANCE**

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**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1, the undersigned counsel for proposed *amici curiae* certifies that, in addition to the entities listed on the parties' Certificates of Interested Persons, the following persons and entities have an interest in the outcome of this appeal:

1. Asian American Legal Defense and Education Fund
2. Community Justice Project Inc.
3. Florida Immigrant Coalition Inc.
4. Florida Interfaith Coalition
5. Florida Rising Together, Inc.
6. Florida State Conference of the National Association for the
Advancement of Colored People
7. Haskell, Miriam
8. Jiang, Charles
9. Miami Freedom Project Inc.
10. SEIU Florida
11. Shim, Jane

CAIR Foundation, et al v. Governor, State of Florida, No. 26-10735

12. Slater, James M.

13. Slater Legal PLLC

Pursuant to Federal Rule of Appellate Procedure 26.1, the undersigned counsel of record certifies that *amici curiae* Community Justice Project Inc.; Florida Immigrant Coalition Inc.; Florida Rising Together, Inc.; Florida State Conference of the National Association for the Advancement of Colored People; Miami Freedom Project Inc.; SEIU Florida, are non-profit, non-partisan, tax-exempt organizations. *Amicus curiae* Florida Interfaith Coalition is an unincorporated organization. All *amici curiae* do not have parent corporations or publicly held companies having 10% or greater ownership.

Pursuant to Eleventh Circuit Rule 26.1-3(b), the undersigned counsel of record certifies that *amici* are not aware of any publicly traded company or corporation that has an interest in the outcome of this appeal.

/s/ James Slater
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Counsel of Record for Amici Curiae

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INTERESTS OF *AMICI CURIAE*¹

Amici curiae are Florida-based organizations that work across a broad range of sectors throughout the state. They include organizations focused on voter registration and civic engagement, workers' rights, immigrant rights, social services, and civil legal services.

Community Justice Project Inc. (“CJP”) is a non-profit legal organization that provides free legal services to individuals and non-profit organizations. CJP is based in Miami, Florida, and conducts work throughout the state. CJP engages in direct legal services and impact litigation, with issue area focuses on housing rights and eviction defense, immigration, and defense of other established constitutional rights. CJP staff regularly advise non-profit, community-based organizations on compliance with Florida law and issues that might impact their ability to exercise their First Amendment rights to associate, assemble and express themselves.

¹ Under Federal Rule of Appellate Procedure 29(a)(4)(E), *amici* state that no counsel for any party authored this brief in whole or in part, no party or party's counsel contributed money intended to fund the preparation or submission of this brief, and no person other than *amici curiae*, their members, or their counsel contributed funding for the preparation or submission of this brief.

Florida Immigrant Coalition Inc. (“FLIC”) is a Florida-based non-profit organization and statewide coalition of 85 member organizations and over 100 allies. FLIC is led by its membership, including grassroots and community organizations, farmworkers, youth, advocates, lawyers, union members, and people impacted by immigration detention. FLIC works towards the fair treatment of all people, including immigrants.

The **Florida Interfaith Coalition** is an unincorporated group of clergy and people of conscience formed to educate and empower Floridians about human rights violations and the immigration crisis, and provide pastoral care to those detained at detention facilities and county jails in Florida. Florida Interfaith Coalition routinely engages in First Amendment-protected speech to hold elected officials accountable and seek redress on issues core to its mission, including holding vigils outside State-run detention facilities.

Florida Rising Together, Inc. (“FRT”) is a non-profit organization incorporated in Florida that seeks to advance economic and racial justice in Florida through civic engagement, community organizing, and leadership development. FRT conducts voter registration

and community education programs in predominantly low-income and immigrant communities to increase rates of democratic participation. FRT convenes events across Florida to educate communities about voting rights, climate change, immigrant justice, and other social issues. FRT advocates for policy positions that often conflict with the Governor's priorities. FRT has also had to evaluate the risk of remaining a member of statewide voting rights coalitions that include CAIR-Florida.

The **Miami Freedom Project Inc.** is a Florida-based non-profit membership organization committed to climate, economic, health, immigrant and racial justice organizing and advocacy in South Florida. The Miami Freedom Project frequently engages in political speech that is protected by the First Amendment but disfavored in the current political climate.

The **NAACP Florida State Conference** is a Florida-based non-profit, non-partisan organization that comprises the Florida-based branches of NAACP, the oldest and largest civil rights organization in America. The NAACP Florida State Conference's interest is grounded in its mission to achieve equity, political rights, and social inclusion by advancing policies and practices that expand human and civil rights,

eliminate discrimination, and accelerate the well-being, education, and economic security of Black people and all persons of color. NAACP envisions an inclusive community rooted in liberation where all persons can exercise their civil and human rights without discrimination or fear. The NAACP Florida State Conference has previously been the subject of violations of its rights to speech and association and is concerned that affirming the power to designate a group by EO could be used against them. Furthermore, they are concerned about their ability to collaborate with CAIR on future advocacy work should the designation be upheld.

SEIU Florida is one of the state's largest unions, representing over 80,000 diverse professionals and essential workers statewide, within five local unions. Its members provide essential services in Florida's hospitals, nursing homes, public schools, community colleges, universities, municipal and county governments, and airports. SEIU Florida dedicates organizational resources to advocating on issues facing members in their workplaces and local communities and regularly engages in protected speech to advance this mission, including advocacy for equality, dignity, and freedom from discrimination on the job, protecting immigrant rights, and defending First Amendment

protections for members and their communities. SEIU Florida participates in statewide coalitions of social justice non-profit organizations which have previously included CAIR. SEIU Florida is also affiliated with SEIU, which has collaborated with CAIR on advocacy efforts across the country, including sharing resources about members' legal rights and co-sponsoring legislation. SEIU Florida fears the EO would prevent it from continuing to engage in protected efforts to advocate for its members' rights. Furthermore, the EO and the targeting of community-based organizations has had a chilling effect on SEIU Florida's members and staff, burdening them as they consider speaking out and otherwise exercising their First Amendment rights.

Amici have a direct interest in the outcome of this appeal because Executive Order 25-244 (the "EO") has affected their operations, programs, and organizational relationships. As organizations that receive State and local contracts, grants, permits, and other benefits, many *amici* will face crippling injuries if State and local resources are suddenly withdrawn. *Amici* risk losing such crucial government benefits under the EO's directive that Florida officials deny government resources to any person or organization "known to have provided material support

or resources” to Plaintiffs-Appellees CAIR Foundation (“CAIR”) or CAIR-Florida. Fla. Exec. Order No. 25-244 § 2 (Dec. 8, 2025) [hereinafter EO]. *Amici* will also face serious financial, legal, and reputational harm if the Governor uses his unbridled discretion to designate *amici* themselves as “terrorist organizations,” or if the Governor determines that *amici* provided “material support” to any other organization he so designates in the future. *Amici* must navigate the chilling effect that the EO has on their speech and activities. *Amici* respectfully submit this brief to provide the Court with firsthand accounts of how Executive Order 25-244 coerces Florida’s civil society organizations and infringes on their fundamental freedoms of speech and association.

STATEMENT OF THE ISSUE

1. Whether the preliminary injunction pausing enforcement of Executive Order 25-244 against CAIR and organizations connected to CAIR should be upheld because the Executive Order chills the speech and associational rights of Florida non-profit organizations and attempts to coerce them into suppressing CAIR's speech in violation of the First Amendment.

SUMMARY OF ARGUMENT

This case is not just about Appellee CAIR. *Amici* are membership-based organizations, voter registration organizations, labor unions, social service providers, and legal organizations whose work has nothing to do with the issues that allegedly motivated Executive Order 25-244. Yet the EO has forced them to curtail programs, restructure coalitions, limit public communications, and divert scarce resources to legal counsel and crisis planning.

Amici's experiences confirm that the EO operates exactly as the district court found: it coerces third parties into disassociating from CAIR. The EO induces third parties, including *amici*, in two ways. First, it compels organizations with any connection to CAIR—including mutual participation in statewide coalitions with over 100 groups—to withdraw from shared spaces or risk losing all State benefits if the State unilaterally decides the organization has provided “material support or resources” to CAIR. *See* EO § 2. Second, because the EO strips CAIR of fundamental constitutional rights with no standards or process, *amici* must operate under the specter that they may be similarly designated, forcing them to change what they do, what they say, and who they work

with. *Amici's* responses to the EO prove that the actions of the third parties described by the district court are not outliers. Rather, they are the predictable result of a gubernatorial directive that lacks any standards to constrain the Governor's decision to penalize CAIR and any other organization that exercises its First Amendment rights.

The EO also infringes on *amici's* own associational rights. Government conduct that discourages organizations from associating with disfavored groups inflicts a cognizable First Amendment injury even before any enforcement action is taken. *First Choice Women's Res. Ctrs, Inc. v. Davenport*, 146 S. Ct. 1114, 1125 (2026). In this case, the EO's threat against organizations that associate with CAIR is neither implicit nor speculative. The EO is a formal directive mandating the withdrawal of all State and local resources from any person or organization that provides CAIR with "material support."

The fact that *amici* have filed this brief despite the existential risks they face reflects the gravity of the situation. Other non-profit organizations have been so chilled by the EO's threat that they declined to participate in this brief, stating fear of reprisal as the basis for their decision. If the Governor's claimed authority to issue Executive Order 25-

244 and future orders like it is upheld, no organization in Florida will be safe from designation—and the devastating harms that follow—at the Governor’s whim. The preliminary injunction should be affirmed.

ARGUMENT

I. Executive Order 25-244 Has Chilled the Speech and Associational Rights of *Amici* and Other Organizations Across Florida.

Amici are among the many Florida non-profit organizations that have had to assess the impacts of Executive Order 25-244 on their communications, relationships, and operations. Each has been forced to confront the same existential question: whether continued operation in Florida civil society—including participating in coalitions, networks, or public events with CAIR or organizations that work with CAIR—exposes them to (1) losing crucial government grants, contracts, and permits, or (2) facing “terrorist” designations themselves simply for engaging in speech the government does not like.

The financial, legal, and reputational effects of designation or of being sanctioned for providing “material support” to a designated organization can be devastating. For the myriad organizations with constrained budgets and staff capacity, the threat can be fatal. In

response, many *amici* have been forced to alter or curtail their programming, restructure coalitions, and re-evaluate their engagement in spaces they share with CAIR. *Amici* have also been forced to divert funds, staff time, and other resources toward responding to the EO, reducing their capacity to execute core programs. In other words, the EO is having a predictable effect: suppressing speech, chilling association, and creating a climate of fear and censorship throughout civil society.

The experiences of several individual *amici* illustrate the breadth and depth of this harm.

A. Florida Rising Together

Florida Rising Together (“FRT”) is a statewide civic engagement organization focused on voter registration, civic education, and policy advocacy. FRT advocates for policy positions that often conflict with the Governor’s priorities. FRT fears that its frequent political opposition will make it a target for designation. FRT’s advocacy unquestionably constitutes speech that the First Amendment was designed to protect. *See Mills v. State of Ala.*, 384 U.S. 214, 218 (1966) (“[T]here is practically universal agreement that a major purpose of [the First] Amendment was to protect the free discussion of governmental affairs.”). FRT is concerned

that if the Governor's power to unilaterally designate organizations is affirmed, FRT and other organizations it associates with will be wrongfully targeted and lose access to State and local resources, including parks, libraries, and other public spaces that FRT would like to use for community events. Designation would also likely harm FRT's reputation and fundraising prospects and expose the organization, staff, and members to serious legal risk.

The EO has compelled FRT to re-evaluate its communications and campaign strategies and put significant additional burdens on its decision-making process to engage in public advocacy, especially when such advocacy conflicts with the Governor's positions. Fearing increased scrutiny from the state, FRT has implemented new social media controls and, in some instances, decided to forgo publishing social media posts as a result. FRT is engaging in alternative strategies to achieve its advocacy and organizing goals, although these other approaches may be less effective in the short term. Because of its advocacy against government policies, FRT fears that affirming the power to unilaterally designate organizations as terrorists could be turned against them and similar groups in the future. FRT felt no choice but to shift its activities to avoid

the damaging consequences of being wrongfully targeted under this EO or a future one.

FRT has also been compelled to reassess its relationship with other organizations in Florida—demonstrating that the EO has chilled its First Amendment right to freedom of association. *See First Choice*, 146 S. Ct. at 1123. For example, FRT is a member of statewide voting rights coalitions that include CAIR-Florida. Since the EO was issued, FRT has had to evaluate the risks of remaining part of such networks. FRT also convenes statewide and local social justice organizations across various formations that work together to advance racial and economic justice. FRT and its partners must now assess whether ongoing collaboration could expose them to legal sanctions if any are designated in a similar manner to CAIR and CAIR-Florida.

Beyond direct suppression of speech, FRT has diverted significant resources to evaluate and mitigate the risks the EO poses to its operations. FRT hired legal counsel and a crisis communications consultant and devoted substantial staff time to creating emergency response plans. Such planning has been necessary to ensure the safety of FRT's staff and membership. Similarly, coalitions of which FRT is a

member have spent significant time creating contingency plans—time that would otherwise have been dedicated to developing joint strategies and furthering their non-profit missions. These necessary emergency planning activities have further diminished FRT’s ability to exercise its right to speak on issues of vital public importance.

Despite the immense burden and chilling effect of the EO, FRT has continued its work towards its mission and to support its members in securing economic and racial justice across Florida.

B. Florida Immigrant Coalition

Florida Immigrant Coalition (“FLIC”) is a statewide coalition that provides Know Your Rights trainings, direct services, and emergency financial assistance to immigrant communities. FLIC’s programming includes the provision of legal advice and representation that the First Amendment protects. *See In re Primus*, 436 U.S. 412, 432 (1978) (quoting *NAACP v. Button*, 371 U.S. 415, 437 (1963)) (“The First and Fourteenth Amendments require a measure of protection for ‘advocating lawful means of vindicating legal rights’”).

FLIC is concerned that in Florida’s increasingly anti-immigrant political climate, its activities could subject the organization to

retaliation by the State, including wrongful designation. If targeted, FLIC would likely have to dedicate itself to the legal, financial, and operational fallout and is uncertain if it could resume normal operations. Designation could cripple the organization and extinguish its right to provide legal advice to Florida's immigrant families.

In addition, CAIR-Florida is a former member of FLIC. Accordingly, FLIC and its members have had to determine how they can safely continue their work to support immigrant communities with the looming threat of sanctions from Executive Order 25-244 and future orders—an intolerable restriction on their associational rights. *See First Choice*, 146 S. Ct. at 1125.

The threat of unwarranted and unconstitutional designation has added to FLIC employees' workload, limiting their capacity to provide legal assistance and services to immigrant families and further burdening their First Amendment rights. Since the EO was issued, FLIC has spent considerable time and money consulting attorneys and other advisors to assess risks and determine steps FLIC can take to protect its members and mission. FLIC has worked with experts to address the limits of its insurance coverage, review organizational policies, and

consider the impact of a potential designation on FLIC's staff, members, and other organizational associates.

Despite the immense burden and chilling effect of the EO, FLIC has continued its work towards its mission of building pro-immigrant power and supporting its members.

C. NAACP Florida State Conference

The NAACP Florida State Conference comprises the Florida-based branches of NAACP, the oldest and largest civil rights organization in America. The NAACP Florida State Conference is concerned that Florida's actions against CAIR continue to turn the clock back, recalling attacks by the Johns Committee (Florida Legislative Investigation Committee) against so-called "subversive organizations" in the 1950s. The Johns Committee directly targeted, subpoenaed and persecuted Rev. Theodore Gibson, then-president of the Miami Branch of the NAACP. Much like the threatened actions in the EO, Rev. Gibson faced criminal and financial penalties that were engineered to chill his First Amendment rights. Rev. Gibson was forced to take his case all the way to the U.S. Supreme Court to vindicate his rights of expression and association. The Court found in his favor and reminded us that "[i]t is

beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.” *Gibson v. Fla. Legis. Investigation Comm.*, 372 U.S. 539, 544 (1963) (citing *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460 (1958)).

In light of this history, the NAACP Florida State Conference is deeply troubled by the Governor’s actions against CAIR and sees this attack on First Amendment rights as a mirror of the Jim Crow tactics it has fought.

In more recent years, the NAACP Florida State Conference has worked with CAIR and other organizations to advocate against unjust policing practices. The EO would require the organization to reconsider any future collaborations with CAIR, a clear infringement on its associational rights.

D. Community Justice Project

Community Justice Project (“CJP”) is a legal services organization whose clients include Florida-based non-profits, whom CJP advises on matters of organizational governance and compliance with Florida law.

Providing no-cost legal advice to a client is a protected exercise of CJP's First Amendment rights. *See In re Primus*, 436 U.S. at 432. Yet, under the EO, Florida officials could decide CJP's legal services constitute "expert advice or assistance" under the State's definition of "material support," Fla. Stat. §§ 775.33(1)(b)-(c) (2025), thereby exposing CJP to severe consequences with no procedural safeguards. *See infra* Argument § II.B. As a result, CJP has been forced to evaluate its ability to represent organizational clients in the event of future designations. CJP fears it may be compelled to end attorney-client relationships if its clients are targeted—an infringement of its associational rights. *See In re Primus*, 436 U.S. at 432. Relatedly, CJP's attorneys have serious concerns about the EO's impact on their ability to fulfill their professional obligations to clients.

CJP has been forced to devote capacity toward advising other nonprofits on the impact of the EO and the potential for unilateral designation of additional organizations. CJP attorneys have diverted time from other work advising non-profit clients towards evaluating the EO, reviewing client documents, assessing the risk of wrongful designations, and preparing clients for compliance despite the lack of

meaningful standards under the EO or existing Florida law. CJP has also been forced to seek outside counsel to advise it on its ability to represent clients who may be designated in the future and the risks of activities including submitting the instant brief. Indeed, many impacted organizations declined to participate in this brief, telling CJP that fear of association made them unable to sign on. These factors underscore the gravity of the constitutional harm the EO has imposed.

II. The EO Unconstitutionally Coerces Third Parties to Suppress CAIR's Speech.

The district court found that CAIR established standing based on the EO's effect on at least two third parties: a production company that withdrew from a podcast agreement and the South Florida Muslim Federation, which cut ties with CAIR-Florida. ECF 43, at 5–10. The court concluded that these third-party actions were the “predictable effect” of the EO's coercive scheme and that CAIR was likely to succeed on the merits of its First Amendment coercion claim under *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963). ECF 43, at 8, 10–11. The Governor argues that these two entities are outliers whose independent decisions cannot be attributed to the EO. Appellant's Br., at 24.

Amici's accounts refute that argument. These two entities are not outliers. Organizations across the state working in a broad range of sectors have independently arrived at the same assessment as the production company and the South Florida Muslim Federation: the EO poses a grave threat and any reasonable organization must consider limiting its exposure or face potential sanctions. This is precisely a “system of informal censorship” that violates CAIR’s First Amendment rights. *Bantam Books*, 372 U.S. at 71.

A. *Amici*'s Responses to the EO Confirm That the Elements of Unconstitutional Coercion Are Present in This Case.

Government conduct violates the First Amendment through coercion of third parties when the conduct, “viewed in context, could be reasonably understood to convey a threat of adverse government action in order to punish or suppress the plaintiff’s speech.” *Nat’l Rifle Ass’n v. Vullo*, 602 U.S. 175, 191 (2024). In *Vullo*, the Court emphasized that a coercion claim requires a “fact-intensive” approach that considers, among other factors, whether the communication in question could reasonably be understood as a threat and what effect the communication had on the targeted parties. *Id.* at 190–93.

The many Florida organizations that rely on government resources view the EO as a very real threat. *See supra* Argument § I. The EO is a formal directive to every Florida executive, agency, county, and municipality to “undertake all lawful action to prevent” CAIR or “any person known to have” given material support to CAIR from receiving any government contract, employment, funds, or other benefit or privilege. EO § 2. The threat to Florida organizations is more than implicit; it is official, categorical, and sweeping. *Cf. Bantam Books*, 372 U.S. at 67 (finding coercion even through mechanism of “informal censorship”); *Vullo*, 602 U.S. at 193 (finding coercion even though threat was not “explicit”). Any reasonable organization would view the EO as a serious inducement to cease association with CAIR or risk losing access to all State and local resources. *See Vullo*, 602 U.S. at 193 (A communication that “can be reasonably understood as a threat or as an inducement . . . can be coercive.”).

The EO has forced *amici* to consider the same risks that led the production company and the South Florida Muslim Federation to cut ties with CAIR. For example, Florida Rising Together has re-considered its affiliation with statewide coalitions. *See supra* Argument § I.A. Florida

Immigrant Coalition has evaluated its membership structure and diverted significant resources toward minimizing its exposure to liability under the EO. *See supra* Argument § I.B. The NAACP Florida State Conference has re-considered future partnerships with CAIR on advocacy work central to its mission. *See supra* Argument § I.C. Community Justice Project has counseled clients on the potential limitations on their right to representation if they are designated. *See supra* Argument § I.D. These actions are the rational responses of organizations that take seriously a formal gubernatorial directive backed by threat of cutting off critical funds and resources. The material injuries that would follow from enforcement of the EO are already affecting organizational budgets, programs, and operations across Florida. *Amici*'s reactions to the EO "further confirms . . . [its] coercive nature." *Vullo*, 602 U.S. at 193.

The Court need not speculate about whether a "reasonable person would perceive the [EO] as coercive." *Id.* at 191. *Amici* demonstrate what many other organizations have also, in fact, concluded: the EO poses a credible and existential threat to Florida organizations that cross paths with CAIR or otherwise engage in activities disfavored by the Governor.

B. The EO Coerces *Amici* and Other Third Parties Because It Is an Exercise of Unbridled Discretion.

Amici must take the EO's threatened sanctions seriously because they will have little to no recourse if the EO, or a similar future order, is enforced against them. The EO affords no notice, no official determination, no hearing, and no avenue for administrative or judicial review. The absence of safeguards renders the EO not just procedurally deficient, but also devoid of the constraints on official discretion that the First Amendment requires—further amplifying its coercive effect.

The First Amendment prohibits laws that give government officials “unbridled discretion” to regulate free expression. *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 757 (1988). A law grants “unbridled discretion” when it lacks any “narrow, objective, and definite standards” to guide its application. *CAMP Legal Def. Fund, Inc. v. City of Atlanta*, 451 F.3d 1257, 1279 (11th Cir. 2006) (quoting *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 151 (1969)). Procedural safeguards, such as a requirement that the official explain his reasoning or the availability of judicial review, will not cure a standardless scheme—and a lack of procedural protections will exacerbate its constitutional deficiencies. *See Lakewood*, 486 U.S. at 771 (explanation requirement and availability of judicial review did not adequately cabin discretion);

Forsyth Cnty. v. Nationalist Movement, 505 U.S. 123, 133 (1992) (county administrator’s unreviewable decision to set permit fees without explanation was an exercise of unbridled discretion prohibited under the First Amendment).

The EO provides neither substantive standards nor procedural safeguards. Nothing in its text constrains the Governor’s discretion to designate a “terrorist organization.” There are no criteria and no evidentiary thresholds. Absent such guardrails, the EO and its enforcement are “left to the [Governor’s] personal discretion, to be based on whatever factors he deems appropriate” *Bourgeois v. Peters*, 387 F.3d 1303, 1318 (11th Cir. 2004). In this case, the Governor’s stated reasons for designating CAIR include only unsupported assertions in the EO’s preamble and *post hoc* evidence cited in the Governor’s Opening Brief on Appeal and in his Response to the Motion for Preliminary Injunction. *See* Appellant’s Br., at 33–34; ECF 37, at 4–11. These are nothing more than the kind of “*post hoc* rationalizations” based on “shifting or illegitimate criteria” that unfettered discretion enables. *Lakewood*, 486 U.S. at 758. The First Amendment forbids such

“unprincipled, *ad hoc*” regulations of protected speech. *Bourgeois*, 387 F.3d at 1318.

The EO contains no built-in mechanism for Executive or judicial review. If the Governor sanctions *amici* as providing “material support” under the EO, they will have no recourse. While *amici* could collaterally challenge the EO itself, this Court is already faced with the reality that such a collateral attack offers no “solid foundation for . . . judicial review” of a designation or withdrawal of State resources. *Lakewood*, 486 U.S. at 771. In the present case, there is no administrative record to evaluate or reasoned Executive decision to review. Furthermore, although the EO cites Florida’s criminal “material support” statute, Fla. Stat. § 775.33(1)(c) (2025), the EO lacks any of the procedural protections that the criminal process provides. The EO’s withdrawal-of-resources provision thus gives the Governor “a form of effective state regulation superimposed upon the State’s criminal regulation of [material support] and making such regulation largely unnecessary. In thus obviating the need to employ criminal sanctions, the State has at the same time eliminated the safeguards of the criminal process.” *Bantam Books*, 372 U.S. at 69–70.

As discussed above, the impact of designation or withdrawal of resources would be immediate and, in some cases, require the target organization to immediately halt programs and operations. But *amici* cannot afford to wait for sanctions to fall. *Amici* and organizations across Florida have been forced by the EO to preemptively censor their own speech, expressive activities, and associations out of fear that they will be designated or lose vital government resources. *See supra* Argument § I. Here, “the mere existence of the [Governor’s] unfettered discretion, coupled with the power of prior restraint,” has indeed “intimidate[d]” *amici* and many other Florida organizations into “censoring their own speech.” *Lakewood*, 486 U.S. at 757.

III. The EO Burdens *Amici*’s Own Associational Rights, Reinforcing Why the Preliminary Injunction Must Be Upheld.

In coercing third parties into disassociating with CAIR, the EO directly infringes *amici*’s First Amendment rights to freedom of association by threatening adverse government action against any organization that maintains ties with CAIR.

The EO is precisely the form of state intrusion and interference with organizations’ inner workings that the Supreme Court has long

found to infringe on organizations' and their members' associational rights. In *First Choice Women's Resource Centers, Inc. v. Davenport*, the Supreme Court found that the issuance of a state attorney general's subpoena for, among other things, a nonprofit's donor records established a First Amendment injury despite the subpoena not being immediately enforceable. *First Choice*, 146 S. Ct. at 1127–28. The Court reasoned that the subpoena inevitably discouraged donors from associating with the organization and encouraged it to curtail protected advocacy. *Id.* Similarly, here, the Governor has issued an Executive Order threatening any person or organization that crosses path with CAIR with the loss of government resources. If the EO is upheld, there would be nothing to prevent the Governor from similarly designating any other organization in the future and sanctioning anyone that associates with them. *See supra* Argument § II.B. Like the subpoena in *First Choice*, the mere threat of lost State funding and designation inevitably deters individuals and organizations from associating with CAIR and chills their protected advocacy.

Amici's accounts demonstrate the resulting injury to their associational rights in concrete terms. FRT has been forced into

burdensome reevaluations of its advocacy and membership in coalitions. FLIC has diverted resources to legal assessment of the impacts if its members are designated. The NAACP Florida State Conference has reconsidered partnering with CAIR on future advocacy efforts. CJP has been forced to assess whether it can continue representing clients who may be designated in the future. *See supra* Argument § I. These are the immediate consequences of the Governor's threatened sanctions.

The Supreme Court has recognized that the freedom to associate carries "special significance for political, social, religious, and other minorities." *First Choice*, 146 S. Ct. at 1122. "Strip away the ability of individuals to work together free from governmental oversight and intrusion, and the freedom to associate may become no freedom at all—individuals deterred, groups diminished, and their protected advocacy suppressed." *Id.* at 1123 (citing *NAACP v. Alabama*, 357 U.S. at 462). This is a precise description of the current situation in Florida.

CONCLUSION

For the foregoing reasons, the district court's preliminary injunction against EO 25-244 should be affirmed.

Dated: July 9, 2026

Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the attached brief of *amici curiae* complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6). This document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font. In addition, the attached brief complies with Federal Rule of Appellate Procedure 29(b)(4) and 11th Circuit Rule 29-3 because, excluding the parts exempted by Federal Rule of Appellate Procedure 32(f) and 11th Circuit Rule 32-4, this document contains 5,033 words.

Dated: July 9, 2026

/s/ James Slater

James M. Slater

CERTIFICATE OF SERVICE

I certify that on July 9, 2026, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send a notice of docketing activity to all counsel of record.

Dated: July 9, 2026

/s/ James Slater
James M. Slater