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February 23, 2026

VIA ELECTRONIC MAIL

The Honorable Jason Smith
Chairman, Committee on Ways and Means
U.S. House of Representatives
1139 Longworth House Office Building
Washington, DC 20515

Re: Response to Untransmitted Letter from BreakThrough News

Dear Chairman Smith:

On behalf of our client, BreakThrough News, a nonprofit media and educational organization dedicated to independent, fact-based reporting and commentary on a diverse range of issues affecting the global movements for social justice, we are responding to a letter from the United States House Committee on Ways and Means, dated February 9, 2026. We have been informed that to date BreakThrough News has not received your letter, although Fox News, and perhaps other media outlets, [was able to obtain a copy for publication](#). Because this untransmitted letter requests a response by today's date, we are affording the Committee the courtesy of this response. Your letter contains specious allegations regarding BreakThrough News in addition to its significant legal deficiencies. As detailed below, we request further information from you to understand the legislative purpose behind these requests so we may evaluate their pertinency and conformance with applicable constitutional and other legal privileges afforded to subjects of a congressional inquiry.

Your letter seeks to infringe on our client's First Amendment rights and privileges of freedom of the press, free speech, and association by openly targeting BreakThrough News's reporting and publications as "anti-American rhetoric" and by treating constitutionally protected reporting, expressive, and associational activity as evidence of wrongdoing.¹

Moreover, your letter employs numerous erroneous factual assertions to attack our client's fundamental rights of speech and association. To cite just one example, inferences drawn from a 50-year-old COINTELPRO-era preliminary law enforcement notation are neither probative nor material to any legitimate legislative inquiry. Rather, these claims resemble the tactics and paranoia employed by Congress in previous, now maligned, eras.

¹ *NAACP v. Alabama*, 357 U.S. 449 (1958) and *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595 (2021) (First Amendment protects donor and associational information from unwarranted scrutiny).

Accordingly, we request clarification regarding several troubling legal deficiencies in your inquiry. First, your letter states that the Committee's purpose is to "seek to understand why, and if, BreakThrough News deserves their tax-exempt status." This statement reveals that the Committee's true purpose is adjudicatory rather than legislative. Congressional investigative authority is subject to constitutional and jurisprudential limits, most fundamentally the requirement that any informational inquiry be made only for a "valid legislative purpose."² In addressing the acceptable bases for a valid legislative inquiry, the Supreme Court's recent decision in *Trump v. Mazars* reinforced the long-standing principle that "Congress may not issue a subpoena for the purpose of 'law enforcement,' because 'those powers are assigned under our Constitution to the Executive and the Judiciary.'"³ Simply put, the type of investigation set out in your letter does not fall under the purview of the United States Congress.

We have further questions regarding the assertions throughout your letter relating to application of the Foreign Agents Registration Act ("FARA"). Putting aside the smearing and false allegations regarding BreakThrough News's reporting activities and the fact that BreakThrough News has never been charged with violating FARA, our immediate concern is that the Ways and Means Committee lacks jurisdiction over application of FARA. As your letter states, the Committee derives its investigative authority from its jurisdiction over the tax code pursuant to House Rule X, clause 1(t). Yet that rule provides no jurisdiction to the Committee over any element of FARA. Once again, your letter asserts authority over issues reserved for other entities.

In light of the foregoing, we respectfully request that the Committee provide a clearer explanation of the specific legislative purpose this inquiry is designed to serve and how that purpose falls within the Committee's tax jurisdiction; the Committee's authority to investigate FARA compliance and claimed foreign influence operations; and the basis that you assert would justify infringing on BreakThrough News's First Amendment press, speech, and associational privacy rights.

Sincerely,



Mara Verheyden-Hilliard
Partnership for Civil Justice Fund

Sincerely,



Andrew D. Herman
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² *Trump v. Mazars*, 591 U.S. 848, 851 (2020) ("a congressional subpoena is valid only if it is 'related to, and in furtherance of, a legitimate task of the Congress'") (quoting *Watkins v. United States*, 354 U.S. 178, 187 (1957)).

³ *Mazars*, 591 U.S. at 863 (quoting *Quinn*, 349 U.S. 155, 161 (1955)). The Court's *Mazars* opinion expands on this bedrock principle, also quoting *Watkins*, 354 U.S. at 200 ("there is no congressional power to expose for the sake of exposure") and *McGrain v. Daugherty*, 273 U.S. 135, 179 (1927) ("Congress may not use subpoenas to 'try' someone 'before [a] committee for any crime or wrongdoing.'").