

— TOP TAKEAWAYS —

DONOR PRIVACY:

Americans for Prosperity v. Becerra



THE STATE OF CALIFORNIA WANTS TO FORCE NON-PROFITS TO TURN OVER THEIR DONOR LISTS.

- California's bulk collection of donor identities is an unconstitutional intrusion into charitable giving
- In *NAACP v. Alabama*, 357 U.S. 449, 460 (1958), the Supreme Court unanimously ruled 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."

THE ABILITY TO MAKE ANONYMOUS DONATIONS ENCOURAGES BROAD-BASED CIVIC PARTICIPATION.

- Many donors simply will not give unless they can keep their donations confidential.
- Forced disclosure of donor names to state governments undermines donors' reliance on anonymity and, in turn, threatens the ability of charitable organizations to rely on those donors.

COLLECTION OF CHARITABLE DONOR INFORMATION PUTS DONORS TO UNPOPULAR CAUSES AT RISK.

- Many groups and causes that are today regarded as uncontroversial were quite controversial in their time.
- The Americans who financially supported the Sons of Liberty, the anti-slavery movement, the women's suffrage movement, and the civil rights movement did so at risk of social, political, and economic backlash.
- Thankfully, donors to these causes had the freedom to do so anonymously.
- In the era of internet and social media, the disclosure of the names and addresses of people who donate to unpopular causes creates an even greater risk.

Read IWF's Amicus Brief in support of Americans for Prosperity Foundation's petition for a writ of certiorari in *AFP v. Becerra* at iwf.org.