Nos. 19-251, 19-255

In the Supreme Court of the United States

AMERICANS FOR PROSPERITY FOUNDATION,
Petitioner,
v.
XAVIER BECERRA, IN HIS OFFICIAL CAPACITY AS THE ATTORNEY GENERAL OF CALIFORNIA,
Respondent.

THOMAS MORE LAW CENTER,
Petitioner,
v.
XAVIER BECERRA, IN HIS OFFICIAL CAPACITY AS THE ATTORNEY GENERAL OF CALIFORNIA,
Respondent.

On Writs of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF THE ASSOCIATION OF NATIONAL ADVERTISERS (ANA) AND THE ANA NON-PROFIT FEDERATION AS *AMICI CURIAE* IN SUPPORT OF PETITIONERS

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INTERESTS OF *AMICI CURIAE* [1]

Amicus Curiae the **Association of National Advertisers (ANA)** drives growth for marketing professionals, brands and businesses, the industry as a whole, and humanity. Founded in 1910, the ANA represents more than 1,500 organizations, while serving the marketing needs of 20,000 influential brands and advocating for more than 50,000 industry members. In 1942, together with a group of socially conscious organizations, the ANA established the Advertising Council (the Ad Council) as the central body through which volunteers from business, advertising, and media can create and distribute public service campaigns.

The Ad Council has been responsible for numerous memorable campaigns for social good, including Smokey Bear stating that "Only you can prevent wildfires"; the United Negro College Fund teaching that "a mind is a terrible thing to waste"; and McGruff the Crime Dog working to "take a bite out of crime." In addition, the Ad Council has taken a lead role in efforts to combat alcohol and drug abuse and drunk

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[1] No party or counsel for a party authored any part of this brief, and no person or entity other than *Amici* and their counsel made a monetary contribution intended to fund the preparation or submission of the brief. Counsel of record for each party consented to the filing of this brief.

driving with the "Friends Don't Let Friends Drive Drunk" campaign.

The common thread among all Ad Council campaigns is the promotion of individual volunteer actions to solve America's social problems. The Ad Council is supported solely through the contributions and volunteer efforts of corporations, advertising agencies, broadcasters, and publishers. Each year, these organizations donate more than $1.5 billion for the various Ad Council campaigns.

Independently of the Ad Council, ANA's member organizations are among the largest private charitable donors in the United States. ANA's member clients carefully select the causes they support with a variety of motivations, all directed to societal betterment. They align with these causes at their discretion, and the confidentiality of their contributions often is pivotal to achieving their broader societal objectives. In many circumstances, the ability to remain anonymous is pivotal in whether a contribution is made.

Amicus Curiae the **ANA Nonprofit Federation (ANA NF)** brings the nonprofit fundraising and marketing community closer together as a catalyst for change. In 2018, the ANA acquired the ANA NF, which has operated since 1982. The ANA NF has continuously provided top-quality fundraising education, advocacy, sponsorship opportunities, and ethical

standards for the nonprofit data-driven fundraising community. It represents nearly 200 national nonprofit organizations and over 50 agencies that work on their behalf to advance the charitable fundraising and marketing community that raises more than $400 billion in donations each year. The charitable community includes thousands of missions advancing and helping society. In 2019, charitable giving to U.S. charities rose to almost $450 billion, with about $310 billion coming from individuals, $76 billion from foundations, $43 billion from bequests, and $21 billion from corporations. This level of charitable giving has been especially crucial during the current COVID-19 pandemic crisis.

Members of the ANA NF work with companies and brands to partner on projects and campaigns to help end suffering and to advance a range of causes. As a result, nonprofit organizations are often in contact with advertising and brand marketing leaders and agencies that want to help but may not necessarily want to have their company brand or founders made public for a range of private reasons. Companies and their founders often give locally and globally for many diverse reasons, not because they are advancing a brand, but rather because they are compelled by a sense of morality and humanity.

Amici's interest in this case goes directly to the motivations for private charitable giving and the circumstances under which private gifts are made. As noted, ANA's members are among the largest supporters of charitable activities in the United States, in their own private donations and through the Ad Council. ANA NF is intimately involved in private fundraising efforts across the country in hundreds of settings. What ANA knows firsthand from its members, and ANA NF knows as well from its core mission, is that private donors, corporate or individual, frequently place great value on anonymity.[2]

What they also know firsthand is that if California's mandate requiring thousands of registered charities to annually disclose the individual names and addresses of their major donors to the State Attorney General is upheld, it will impact, adversely, charitable fundraising efforts and ultimately charitable giving—to the detriment of *Amici*'s members and the millions of people who benefit from their charitable works.

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[2] "Modern discussions of anonymous philanthropic giving tend to focus on supposed malefactors . . . . Often lost in these conversations is the simple recognition that charitable giving has long been done out of the public's sight, and that there are very important reasons to respect and preserve this tradition." Sean Parnell, *The Historical Case For Charitable Donor Privacy*, HistPhil (July 30, 2018), https://bit.ly/3bfSpYE.

SUMMARY OF ARGUMENT

Privacy in group association is "indispensable to preservation of [the] freedom of association." *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958). Accordingly, disclosure laws that threaten privacy in group association warrant the "closest scrutiny." *Id.* at 460–61. This scrutiny applies fully to laws that impact protected associational activities of charities. *See Riley v. Nat'l Fed'n of the Blind of N.C., Inc.*, 487 U.S. 781, 796 (1988). It should be applied to the forced disclosure of donor information to state authorities, just as is involved here.

Would-be donors have many legitimate reasons to insist on anonymity, confidentiality, and privacy. Because these reasons often are very personal, donors count on charitable nonprofit organizations to respect their privacy. Empirical data shows this to be true.

Comprehensive surveys conducted by Indiana University show that high-wealth donors consistently state that an organization's ability to honor their requests for informational privacy and anonymity is "important" to them. This data aligns with *Amici*'s lived experience. Forced disclosure of donor names to state authorities undermines donors' reliance on anonymity and privacy and, in turn, threatens the ability of charitable organizations to rely on those donors.

The fact that California's Attorney General tries to keep this information confidential is no consolation, unfortunately. As the record in this case shows, state employees are not immune from error when it comes to protecting confidential information. Beyond that, donor information in the hands of state authorities is vulnerable to disclosure through state right-to-know laws. Finally, government systems containing confidential information have been—and continue to be—vulnerable to cyberattacks. Donors understand acutely the threats to confidentiality and evenhandedness that exist when sensitive information makes its way into the hands of state governments.

From their own experience, *Amici* know that prospective donors, corporate and individual, have concerns where political officials holding discretionary law enforcement power—such as state attorneys general—have access to donor identities and information. Donors are reluctant to put their private information in the hands of public prosecutors whose job descriptions extend well beyond enforcement of tax laws and who wield authority that can be subject to political motivations over which the donors have no control.

ARGUMENT

I. Disclosure laws that create a chilling effect on associational freedoms, including charitable giving, warrant the closest scrutiny.

This Court recognized long ago that "privacy in group association" is "indispensable to preservation of [the] freedom of association" protected by the First Amendment. *NAACP*, 357 U.S. at 462. The benefits from keeping associational activities private have long been recognized by courts and they have been afforded significant protections. Accordingly, disclosure laws that threaten privacy in group association warrant the "closest scrutiny." *Id.* at 460–61.

In keeping with this scrutiny, the Court made clear in *NAACP v. Alabama* that the government must have a compelling interest for infringing associational freedoms. Any infringement supported by such a justification likewise must be narrowly tailored so as not to infringe on the protected associational rights any more than necessary. *See, e.g.*, *Shelton v. Tucker*, 364 U.S. 479, 488 (1960) ("[E]ven though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved."); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961) (same).

While the Court has noted that different considerations might pertain for campaign donors, *Doe v. Reed*, 561 U.S. 186, 196–97 (2010), outside of that context, close scrutiny is rigorously applied to protect associational privacy and freedoms. *Roberts v. U.S. Jaycees*, 468 U.S. 609, 623 (1984) (free association infringements must serve "compelling state interests" that "cannot be achieved through means significantly less restrictive of associational freedoms"); *Elrod v. Burns*, 427 U.S. 347, 363 (1976) (government means must be "least restrictive of freedom of belief and association").

Charitable nonprofit organizations are no exception. When it comes to charities, the Court consistently has applied the highest level of scrutiny, upholding associational burdens only if they are narrowly tailored to serve a compelling government interest. *See Riley*, 487 U.S. at 796; *e.g.*, *Sec'y of State of Md. v. Joseph H. Munson Co.*, 467 U.S. 947, 959–68, 965 n.13 (1984) (striking down a statute regulating fundraising by charitable organizations under close First Amendment scrutiny because the statute was not narrowly tailored to advance the government's interests); *Vill. of Schaumburg v. Citizens for a Better Env't*, 444 U.S. 620, 637 (1980) (striking down a municipal ordinance as overbroad under the First Amendment because it impermissibly controlled how charities could use a percentage of the funds they solicited).

Notably, in *Riley*, this Court considered a state law on the solicitation of charitable contributions that limited the fees fundraisers could charge, which the State asserted was important to combatting charitable fraud. 487 U.S. at 786–95. The Court, however, explained that the State had narrower means of policing charitable fraud and held that "[i]f this is not the most efficient means of preventing fraud, we reaffirm simply and emphatically that the First Amendment does not permit the State to sacrifice speech for efficiency." *Id.* at 795.

The Ninth Circuit nevertheless ignored this Court's well-established precedent and took a different tack. It did not demand that the government have a compelling interest in the disclosure of donor information. Instead, the Ninth Circuit found that the disclosure of the Schedule B information was appropriate based on "investigative efficiency." No. 19-251, Pet. App. at 19a. And instead of determining whether the ensuing disclosure was narrowly tailored to the purported governmental purpose, the Ninth Circuit instead applied a "substantial relation" standard. *Id.* at 15a–16a.

The Ninth Circuit's rejection of close scrutiny and narrow tailoring does not comport with this Court's precedents protecting the First Amendment's associational freedoms and privacy interests. *See Shelton*, 364 U.S. at 488 ("[E]ven though the governmental

purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved."). The adverse consequences threatened by the Ninth Circuit's decision where charitable giving is concerned are profound. If the Ninth Circuit's relaxed standard becomes the rule, the threat to charitable giving will be immediate and consequential. This Court should act to forestall that outcome.

II. Involuntary disclosure of donor information to state authorities will adversely impact charitable giving.

Anonymous charitable giving dates back millennia. Seneca the Younger famously advised charitable citizens of Ancient Rome to give without attribution. *See* Seneca, *How to Give: An Ancient Guide to Giving and Receiving* (James S. Romm translation 2020); John J. Miller, *The Everlasting Power of Philanthropy*, National Review (Nov. 22, 2020).[3] This axiom of donor non-attribution has persisted. In 1913, the New York Times ran an article titled *Anonymous Philanthropy Is Greatly Increasing* and described a situation in which "many donors of big sums are hiding their identity—modesty plays its part . . . ."[4]

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[3] https://bit.ly/3sfY0Fq.

[4] https://nyti.ms/2Mli4ac.

Still later, in 1969, in enacting legislation on the IRS, the U.S. Senate removed a provision requiring charities to publicly disclose names of donors, noting "some donors prefer to give anonymously" and that "[t]o require public disclosure in these cases might prevent the gifts." 1969 U.S.C.C.A.N. 2027, 2080–81 (Nov. 21, 1969).

Beyond that, the prevalence and importance of anonymous charitable giving has only increased in recent years. *See* Carrie Lukas, *Anonymity More Important Than Ever For Charitable Giving*, Forbes (Feb. 15, 2021).[5] Indiana University's "Million Dollar List," a record of publicly announced charitable gifts of $1 million or more given by U.S. residents and entities, shows anonymous gifts (of $1 million or more) increased from $473.4 million in 2005 to $604.13 million in 2010 to $761.34 million in 2015.[6]

By the same token, as this Court has recognized, would-be donors have many legitimate reasons to insist on anonymity. "The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible." *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 341–42 (1995). These reasons are not limited to "anonymous" giving—they apply equally to

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[5] https://bit.ly/2P433dR.

[6] https://bit.ly/37Gp8p4.

"private" and/or "confidential" giving. *See* Robert F. Sharpe, Jr., *Behind Closed Doors: The Rise of Anonymous and Private Giving*, Sharpe Group (Aug. 1, 2009) ("Donors who permit their identity to be known to a limited group within the recipient organization or institution, but not publicly, often choose to give 'privately' [in contrast to 'anonymously'] for many of the same reasons.").[7]

Because the need for privacy is often very personal, "donors count on nonprofits to respect their privacy." Ted Hart, et al., *Nonprofit Internet Strategies: Best Practices for Marketing, Communications, and Fundraising Success* 64 (2005). As a leading textbook on nonprofit fundraising recognizes, "[c]onfidentiality is indispensable to the trust relationship that must exist between a nonprofit organization and its constituents." Eugene R. Tempel, ed., *Hank Rosso's Achieving Excellence in Fund Raising* 440 (2d ed. 2003).

Empirical data supports what common sense already reveals about the stifling effect public disclosure laws can have on private charitable giving. In the *Study of High Net Worth Philanthropy*, which Indiana University has published at various points over the last 15 years, based on a nationally representative sample of wealthy donors, philanthropic attitudes and practices have privacy at their core. Among other questions, the Study's surveyors ask wealthy donors

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[7] https://bit.ly/2ZJcAc4.

how "important" it is that an organization honor a donor's request for privacy or anonymity:

- In 2008, 62.7% said it is important for an organization to honor their request for privacy or anonymity.[8]

- In 2012, 74.9% said it is important for an organization to honor their request for privacy or anonymity.[9]

- In 2016, 83.2% said it is important for an organization to honor their request for privacy or anonymity.[10]

In 2018, the surveyors changed the published categories to report only on wealthy donors who stated certain things were "very important." The 2018 Study then reported that 59% said that it is very important that an organization "[d]oesn't distribute name to others," and 53% said that it is very important that an

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[8] The 2008 Bank of America Study of High Net Worth Philanthropy at 54 (Mar. 2009), https://bit.ly/3pFFjcp.

[9] The 2012 Bank of America Study of High Net Worth Philanthropy at 53 (Nov. 2012), https://bit.ly/2NlWAdP.

[10] The 2016 U.S. Trust Study of High Net Worth Philanthropy at 40 (Oct. 2016), https://bit.ly/37Gcbf3.

organization "[h]onors request for privacy or anonymity."[11]

These numbers are consistent with *Amici*'s lived experience. Forced disclosure of donor names to state authorities undermines donors' reliance on anonymity and privacy and, in turn, threatens the ability of charitable organizations to reach out to, and obtain contributions from, those donors. Inevitably, a substantial number of donors—corporate and individual—will limit, or perhaps even stop, their charitable giving if there is an apparent risk from government-ordered disclosure. That threat will raise concerns that their own personally identifiable information will be disclosed to law enforcement authorities or leaked to the public, resulting in consequences they cannot control, particularly as our society is evolving towards a digital-centric communications realm that has led to digital naming and shaming.

The largest, and thus the most impactful, corporate or individual gifts will be the first affected because they are the most likely to be disclosed. These donors therefore will have to weigh what it means to have personally identifiable information and giving preferences in the public domain. That evaluation can influence where donations are made and to whom.

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[11] The 2018 U.S. Trust Study of High Net Worth Philanthropy at 36 (Oct. 2018), https://bit.ly/2ZEpsAe.

There will be no predictability in how the public officials might respond—whether by targeting the donors or pursuing them for support. The consequences are just as deleterious for the recipients; that is, the nonprofit organizations. Disclosure of their donors could influence others who might be inclined to give or prompt the same unpredictable public scrutiny or official responses. In sum, the practical concerns raised by public disclosure are tangible and adverse, and impact donors and recipients alike.

For this reason, California's donor disclosure mandate, putting major donor information in the hands of the Attorney General, must be subject to the closest scrutiny—scrutiny that requires a precise fit between a compelling purpose and the means used to achieve that purpose. "Broad prophylactic rules in the area of free expression are suspect. Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms." *Riley*, 487 U.S. at 800–01.

III. California's donor disclosure mandate will have a chilling effect on charitable giving.

The fact that state authorities—including the California Attorney General—try to keep major donor identity information confidential is not a mitigating factor, unfortunately. Donors live in the real world,

and they are not naïve to threats that exist to confidentiality and evenhandedness when it comes to sensitive information in the hands of state governments. Whenever the government collects broad swaths of information, such as charitable donor identities, there is an inherent risk that the confidential information will be publicized, notwithstanding promises to keep it confidential. *See Whalen v. Roe*, 429 U.S. 589, 605 (1977) (noting "the threat to privacy implicit in the accumulation of vast amounts of personal information in computerized data banks or other massive government files"). Three threats in particular stand out:

First, state employees are not immune from error when it comes to confidential information. What has occurred in California is illustrative. California state employees have a history of disclosing confidential information inadvertently, usually by incorrectly loading confidential documents to the state website. No. 19-251, Pet. App. at 91–92a. Such mistakes resulted in the public posting of around 1,800 confidential Schedule Bs. *Id.* Moreover, regardless of current assurances of confidentiality, donors cannot be certain that future governmental actors will act similarly. A current disclosure of donor identity to the government creates the potential for accidental or intentional disclosure in the future.

Second, donor information in the hands of state authorities could be vulnerable to disclosure through

state right-to-know laws. A ruling for California here would be relevant in all 50 states, many of which have right-to-know laws that are disclosure-oriented. *See, e.g.*, Illinois FOIA, 5 ILCS 140/1 et seq.; *Stern v. Wheaton-Warrenville Cmty. Unit Sch. Dist. 200*, 233 Ill. 2d 396, 410–11 (2009) ("[T]he Act is intended to open governmental records to the light of public scrutiny. Thus, under FOIA, public records are presumed to be open and accessible. The Act expressly contemplates full and complete disclosure of the affairs of government and recognizes that such disclosure is necessary to enable the people to fulfill their duties to monitor government." (citation and internal quotation marks omitted)).[12]

Third, government systems containing confidential information have been—and continue to be—vulnerable to cyberattacks. Even the federal government—where safeguards are the strongest—is not immune from breaches of personal information. A notable example is the recent SolarWinds hack that compromised the U.S. federal judiciary, as well as multiple federal agencies. *See* Maggie Miller, *Federal*

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[12] *See also* Pennsylvania's Right-to-Know Law, 65 P.S. § 67.101 et seq.; *Com., Dep't of Pub. Welfare v. Eiseman*, 125 A.3d 19, 29 (Pa. 2015) ("[W]e are obliged to liberally construe the Law to effectuate its salutary purpose of promoting access to official government information in order to prohibit secrets, scrutinize actions of public officials, and make public officials accountable for their actions." (citation and internal quotation marks omitted)).

Judiciary Likely Compromised as Part of SolarWinds Hack, The Hill (Jan. 7, 2021)[13]; *Judiciary Addresses Cybersecurity Breach: Extra Safeguards to Protect Sensitive Court Records*, U.S. Courts (Jan. 6, 2021).[14]

The California Attorney General's Office, in particular, has shown itself to be a very vulnerable target. The record here indicates that California's computerized registry of charitable corporations was an open door for hackers. In preparation for trial, the plaintiff's expert was able to access every confidential document in the registry—more than 350,000 confidential documents—merely by changing a single digit at the end of the website's URL. No. 19-251, Pet. App. at 35a–36a, 92a. When the plaintiff alerted California to this vulnerability, its experts tried to fix this hole in its system. *Id.* Yet when the expert used the exact same method the week before trial to test the registry, he was able to find 40 more Schedule Bs that should have been confidential. *Id.*

The Ninth Circuit concluded that "[t]here is no evidence to suggest that this type of error is likely to recur." No. 19-251, Pet. App. at 36a. But cyber threats are on the rise. In 2020, the U.S. Cyberspace Solarium Commission reported that our systems are increasingly threatened "by new technologies that enable more sophisticated cyberattacks at greater scale for

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[13] https://bit.ly/2ZIi07p.

[14] https://bit.ly/3qPN7tz.

lower cost, and by a host of capable adversaries who have demonstrated a willingness and ability to adapt to U.S. prevention and response measures." U.S. Cyberspace Solarium Commission Final Report (Mar. 2020)[15]; Tabrez Y. Ebrahim, *National Cybersecurity Innovation*, 123 W. Va. L. Rev. 483, 506–07 ("Cyber-attackers are constantly devising new technologies for launching cyber-attacks. The U.S. struggles to address the changing character of cyber threats, lacks a clear cybersecurity response mechanism, and faces gaps in cyber deterrence of new technological development.").

Concomitantly, once confidential information enters the public domain, there is no effective way to claw it back. *See Hollingsworth v. Perry*, 558 U.S. 183, 196 (2010) (per curiam); *Ruckelshaus v. Monsanto Co.*, 463 U.S. 1315, 1317 (1983) (Blackmun, J., in chambers). And, once donors' names and addresses become public, anyone with access to a computer could compile a wealth of information about them. In this way, modern technology has only increased the force of disclosure-driven chilling effects.

Apart from these three over-arching and impending concerns, corporate and individual donors will rightly be concerned that politically motivated individuals holding discretionary law enforcement power—such as state attorneys general—will use

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[15] https://www.solarium.gov/report.

these disclosures to target them in some fashion. The state attorneys general of Arizona, Michigan, and South Carolina said it best in an amicus brief filed the last time this case was before the Court:

> [T]he generalized demand for disclosure of donor names and addresses increases the possibility that unscrupulous public officials could target donors for various forms of retribution. Even if the names of significant donors are never released to the public, government officials might use the donor information to single out their political opponents for retribution. Thus, the First Amendment harm is inherent in the disclosure to the government official and does not require an additional showing of a likelihood of public disclosure or probability of retaliation.

Center for Competitive Politics v. Kamala D. Harris, No. 15-152 (S. Ct.), Brief of the States of Arizona, Michigan, and South Carolina as *Amici Curiae* in Support of Petitioner, at 2–3.

This nascent threat is hardly new. One of the foundational principles behind associational privacy is the need to protect people from an unfriendly government. *NAACP v. Alabama* is a clear example, just as are cases involving state targeting of persons affiliated with communist groups. *See, e.g.*, *United States*

v. Robel, 389 U.S. 258, 262–63, 265 (1967) ("The statute quite literally establishes guilt by association alone, without any need to establish that an individual's association poses the threat feared by the Government in proscribing it.").

Today, too, donors are justified in their concerns about a state attorney general receiving their Schedule Bs, even if the donors are not as concerned about such documents going to the IRS. Giving the name and addresses of a nonprofit's donors to the IRS for tax purposes is one thing; giving it to a statewide prosecutor is another. In their roles, state attorneys general cover a wide range of interests and statutes, and exercise broad discretion in deciding what laws to enforce, and how, and when. Prospective donors, corporate or individual, cannot anticipate where the disclosure of their names, as attached to their contributions, will land, once in the hands of a politically motivated statewide law enforcement officer.

Unlike the potential for enforcement actions in the federal context, a statewide law enforcement officer will not be confined to issues relevant to a taxing agency or the enforcement of tax laws. The risks will need to be considered with respect to the causes supported and organizations advanced. Nothing good will come of that where the broader public interests in charitable giving are concerned.

Finally, more than just California's disclosure laws are at stake. If this Court were to affirm the Ninth Circuit, this Court's ruling would affect all 50 states. Petitioners would then have to comply with a patchwork of disclosure laws, and each state would have a different attorney general and a different agenda. Further complicating the problem is how far the disclosures would extend and to whom. If "efficiency" and "substantial relation" are the governing principles, as the Ninth Circuit espoused, there is no reason that compelled disclosures must stop with the top ten donors, or top twenty, or beyond. Moreover, many nonprofit organizations receive donations online, where a simple click of a "Donate Now" button on a website by a donor could subject the nonprofit organization to the regulations of the donor's state—even though the nonprofit organization lacks any other connection to the donor's state. This evident potential for expansion would dramatically compromise donors and nonprofit organizations by chilling fundraising efforts nationwide.

CONCLUSION

In *NAACP v. Alabama*, this Court required the government to prove that it was advancing a compelling interest through a narrowly tailored law. Today, continued adherence to these principles will protect donors and benefit the nonprofit organizations that

seek their support for worthy missions helping our society. This Court should declare, firmly, that these First Amendment protections are robust, intact, and must be enforced.

Respectfully submitted,

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