No. 24-781

IN THE
Supreme Court of the United States

FIRST CHOICE WOMEN'S RESOURCE CENTERS, INC.,

Petitioner,

v.

MATTHEW PLATKIN, in his official capacity as Attorney General of New Jersey,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit

BRIEF OF *AMICUS CURIAE* UNITED STATES CONFERENCE OF CATHOLIC BISHOPS IN SUPPORT OF PETITIONER

GORDON D. TODD *
DAVID S. PETRON
MACKENZI J.S. EHRETT
MORGAN A. PINO
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8760
gtodd@sidley.com

PHILIP H. DEVOE
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019

Attorneys for Amicus Curiae
* Counsel of Record

August 28, 2025

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES Page

SCHOLARLY AUTHORITIES

OTHER AUTHORITIES

INTEREST OF THE AMICUS CURIAE[1]

The United States Conference of Catholic Bishops ("USCCB") is a nonprofit religious organization dedicated to promoting and carrying out the Catholic faith in the United States and abroad. The USCCB's members are active Catholic Bishops in the United States. The USCCB works alongside the bishops of the Catholic Church (the "Church") to support their ministries and pastoral calling in diverse areas including free expression of ideas, the sanctity of life, protection of the rights of parents and children, and fair employment and equal opportunity for the underprivileged. The protection of the First Amendment rights of religious organizations and their adherents is of particular importance to the USCCB. As a 501(c)(3) not-for-profit corporation, the USCCB relies on charitable donations to sustain its work and takes care to maintain the confidentiality of its donors.

In carrying out its religious mission, the USCCB is often called upon to support and address work related to current events and social issues, ranging from treatment of prisoners, to immigration, to the sanctity of life. The Church's responses to such issues are, at times, socially controversial. One salient example is the Church's devotion to respecting and protecting human life from the moment of conception until natural death. See *Catechism of the Cath. Church*, Pt. 3, § 2, ch. 2, art. 5, I, No. 2270. One of the ways that the Church carries out this teaching is by supporting the work of crisis pregnancy centers, which may

---

[1] Counsel has provided notice of this filing to all parties. No counsel for any party authored this brief in whole or in part, and no entity or person, aside from *amicus* and their counsel, made any monetary contribution toward the preparation or submission of this brief.

provide free baby supplies, certain health and prenatal medical services, parenting education, spiritual support and counsel, and more to women facing unexpected or unwanted pregnancies. Increasingly, crisis pregnancy centers are themselves subjects of political attacks from governmental authorities—and sometimes even violence from individuals—who are committed to suppressing unapologetic support for life. The USCCB submits this brief to express its concern over the increasing pace of such attacks and particularly the tools and tactics used by governmental entities engaging in such misconduct. These tactics affect not only the USCCB but charitable and advocacy organizations across the social and political spectrums. As is the case with the First Choice Women's Resource Center ("First Choice" or "Petitioner"), such tactics by governmental bodies contravene fundamental rights.

INTRODUCTION AND SUMMARY OF ARGUMENT

In recent years, and particularly since *Dobbs* v. *Jackson Women's Health Organization*, 597 U.S. 215 (2022), there has been an uptick in hostility and even violence directed at pro-life and crisis pregnancy centers. See CatholicVote, *Tracker: Attacks on Pregnancy Centers & Pro-Life Groups* (last updated Jan. 21, 2025), https://perma.cc/Z328-4QXE (showing 96 attacks on crisis pregnancy centers since May 2022). In addition to criminal acts of violence, arson, property damage, and vandalism, pregnancy centers have also faced increased hostility in the form of efforts to compel the disclosure of financial donors supporting pregnancy centers. Such efforts are designed to chill financial and other support, directly and indirectly. Efforts by governmental entities to unmask donors to crisis

pregnancy centers—most of which are overtly religious organizations—violate the First Amendment thrice over.

Compelling disclosure of a religious organization's financial support violates the constitutional guarantee of freedom of religion because it intrudes on an organization's authority over its mission and purpose. See *Our Lady of Guadalupe Sch.* v. *Morrissey-Berru*, 591 U.S. 732, 746 (2020). This Court has repeatedly held that secular attempts to interfere with a religious organization's "faith and doctrine" and how it carries out its mission and purpose violate the First Amendment. *Kedroff* v. *St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952); *Hosanna-Tabor Evangelical Lutheran Church & Sch.* v. *E.E.O.C.*, 565 U.S. 171, 182 (2012). Compelling disclosure of a religious organization's donors meddles with its mission in precisely the way that the Court has disallowed. It also violates the Free Exercise rights of the donors themselves, many of whom choose to support religious organizations anonymously, often to carry out scriptural admonitions to "not let your left hand know what your right is doing." *Matthew* 6:3.

Further, compelled disclosure of an organization's financial supporters violates freedom of speech by chilling the expressive act of donation in the first instance. This Court already rejected such efforts with respect to secular donor lists, and the rule should be no different respecting financial support for religious institutions—indeed, it should be *more* protective. See *Americans for Prosperity Found.* v. *Bonta*, 594 U.S. 595, 607 (2021). If that weren't enough, secular unmasking efforts threaten donors' associative freedoms, acting as a form of prior restraint against those who do not wish for their donative associations to be public,

including for spiritual reasons. Because a secular authority's efforts to compel disclosure of a religious organization's donors amounts to a frontal assault on the First Amendment's safeguards, the decision below should be reversed.

ARGUMENT

I. COMPELLED DISCLOSURE OF DONOR LISTS HOLLOWS OUT FIRST AMENDMENT PROTECTIONS FOR RELIGIOUS ENTITIES.

Forcing religious organizations to disclose donor identities hollows out this Court's long-established protection of religious autonomy. Religious organizations are entitled to carry out their mission-based internal affairs unimpaired by government coercion. Forced disclosure—intended to "name and shame"—chills donor participation and threatens the ongoing operation of such organizations. This interference is prohibited by the First Amendment.

A. The First Amendment Shields Religious Organizations from Secular Attempts to Dictate how They Carry Out Their Missions.

This Court has long acknowledged that the First Amendment's Religion Clauses[2] protect "a spirit of

[2] The "Religion Clauses" refers to both the Free Exercise and Establishment Clauses—from which the principles of religious group autonomy and independence originate. *See* Thomas C. Berg, et al., *Religious Freedom, Church–State Separation, and the Ministerial Exception*, 106 NW. U. L. Rev. Colloquy 175, 178 (2011) ("Both Religion Clauses of the First Amendment, the Establishment Clause, and Free Exercise Clause, protect this autonomy. In this context, the two clauses overlap and reinforce

freedom for religious organizations," giving them "power to decide for themselves, free from state interference, matters of . . . faith and doctrine." *Kedroff*, 344 U.S. at 116 (describing *Watson* v. *Jones*, 80 U.S. 679 (1871)). Indeed, the Religion Clauses' "most important work" is "protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life[.]" *Kennedy* v. *Bremerton Sch. Dist.*, 597 U.S. 507, 524 (2022). "*[A]ny* attempt by government to dictate or even to influence" faith, doctrine, or matters of church government constitutes an impermissible intrusion on the First Amendment's protections. *Our Lady of Guadalupe*, 591 U.S. at 746 (emphasis added). Accordingly, no branch of government—not the legislature, not the executive, and not the courts—may tell religious organizations how to execute their ecclesiastical missions. *Watson*, 80 U.S. at 713; see also *Kreshik* v. *Saint Nicholas Cathedral*, 363 U.S. 190, 191 (1960) (per curium).

The notion of protecting religious practice *against* the State long pre-dates the founding. See *Hosanna-Tabor*, 565 U.S. at 182 (quoting J. Holt, Magna Carta App. IV, p. 317, cl. 1 (1965)); *Huntsman* v. *Corp. of the President of the Church of Jesus Christ of Latter-Day Saints*, 127 F.4th 784, 803 (9th Cir. 2025) (Bumatay, J., concurring) (en banc) (recognizing the first line between church and state as occurring in the 313 A.D. Edict of Milan); see also *Cath. Charities Bureau, Inc.* v. *Wis. Lab. & Indus. Rev. Comm'n*, 605 U.S. 238, 261 (2025) (Thomas, J., concurring) (citing *Hosanna-*

---

each other. The Court typically categorizes religion cases under one or the other of the two clauses, but in limiting government intervention into internal church disputes, the Court has frequently relied simply on the 'First Amendment' or 'the Religion Clauses.'" (collecting cases)).

Tabor, 565 U.S. at 184–185) ("We have recognized that the original 'understanding' of the Religion Clauses' protection of church autonomy is 'reflected' in early postratification practice."). In the American tradition, churches and other religious institutions must remain "free to govern themselves in accordance with their own beliefs" without any form of "secular control or manipulation"—full stop. *Hosanna-Tabor,* 565 U.S. at 186 (quoting *Kedroff*, 344 U.S. at 116). Anything less renders First Amendment protections illusory.

The need for church autonomy has long undergirded this Court's application of the Religion Clauses in cases implicating religious doctrine, discipline, and membership, *Watson,* 80 U.S. at 679; internal government, *Serbian E. Orthodox Diocese for U. S. of Am. & Canada* v. *Milivojevich*, 426 U.S. 696, 709 (1976); and minister and lay employee selection, *Hosanna-Tabor*, 565 U.S. at 186; *Our Lady of Guadalupe*, 531 U.S. at 746. Lower courts have also recognized that church autonomy extends to internal communications. *E.g.*, *Bryce* v. *Episcopal Church*, 289 F.3d 648 (10th Cir. 2002); *Cha* v. *Korean Presbyterian Church of Washington*, 262 Va. 604, 615, 553 (2001) (collecting cases).

These protections remain paramount as secular authorities attempt, for a variety of reasons, to wield state power to curb religious groups' inconvenient independence by interfering in church governance. See*, e.g., Roman Cath. Diocese* v. *Cuomo*, 592 U.S. 14, 21 (2020) (enjoining "enforcement of the Governor's severe restrictions on the applicants' religious services"); *Cath. Charities Bureau, Inc.,* 605 U.S. at 249 (rejecting state tax exemption that turned on "engag[ing] in proselytization or limit[ing] . . . services to fellow Catholics"); *Etienne* v. *Ferguson*, No. 3:25-CV-05461-DGE, 2025 WL 2022101, at *5 (W.D. Wash. July 18, 2025)

(rejecting the state's attempt to "remove[] clergy from the [mandatory reporting law's] privileged communication exception"). Such intrusions are anathema. See *Milivojevich*, 426 U.S. at 709 (1976) (Judicial interference into "governing church polity" would "violate the First Amendment in much the same manner as civil determination of religious doctrine.") (internal citation omitted); see also *Cath. Charities Bureau, Inc.*, 605 U.S. at 254 (Thomas, J., concurring). This Court's decisions prohibit government encroachment on the activities of a religious organization that have a vital "role in conveying the Church's message and carrying out its mission." *Hosanna-Tabor*, 565 U.S. at 192.

The principles of religious autonomy apply in full and with equal force to all "religious groups," not merely "churches." *Id.* at 188; see also *Our Lady of Guadalupe*, 591 U.S. at 746. Churches and other religious organizations are constitutionally safeguarded against state interference with how they carry out their faith and mission. See *Cath. Charities Bureau, Inc.*, 605 U.S. at 252; *Kedroff*, 344 U.S. at 116; *Conlon* v. *Intervarsity Christian Fellowship*, 777 F.3d 829, 833–34 (6th Cir. 2015) (recognizing that a college campus-based Christian organization is a "'religious group' under *Hosanna-Tabor*"); see also *Nat'l Inst. of Fam. & Life Advocs.* v. *Becerr*a, 585 U.S. 755, 761 (2018) (citing California's characterization of crisis pregnancy centers as "pro-life (largely Christian belief-based) organizations"). This safeguard is essential to ensure that these organizations can maintain their "independence from secular control or manipulation." *Hosanna-Tabor,* 565 U.S. at 186 (quoting *Kedroff*, 344 U.S. at 116).

Application of compelled disclosure laws to religious organizations imperils church autonomy in several

ways. First, a church's governance of its finances is part of its internal governance. See *Our Lady of Guadalupe Sch.*, 591 U.S. at 747; *Huntsman*, 127 F.4th at 796-97 (Bress, J., concurring); *Starkey* v. *Roman Cath. Archdiocese of Indianapolis, Inc.*, 41 F.4th 931, 941 (7th Cir. 2022) ("[Church autonomy means what it says: churches must have independence in matters of faith and doctrine and in closely linked matters of internal government.") (internal quotations and citations omitted). Compelled disclosure of donor rolls would pressure a church to change the way it raises funds and maintains its financial records. Second, disclosing donors' names would reveal private information about a church's internal operations, pastoral priorities, and relationships with its faithful and its community. See *Whole Woman's Health* v. *Smith*, 896 F.3d 362, 372–76 (5th Cir. 2018) (discussing the chilling effects of broad disclosure of discovery materials from a religious organization). Third, compelled disclosure of donors could effectively regulate ministerial duties performed by church staff who may be ministers for the purposes of the ministerial exception. See *Pulsifer* v. *Westshore Christian Acad.*, 142 F.4th 859, 864 (6th Cir. 2025) (noting that the Court has "eschewed any rigid formula" regarding persons qualifying for the ministerial exception, looking instead to "a variety of factors may be important" depending on the context of the employee's role") (quoting *Hosanna-Tabor*, 565 U.S. at 190; *Our Lady of Guadalupe*, 591 U.S. at 751–52). Fourth, in some cases, the question of what constitutes a donation may itself be a religious one. See *Huntsman*, 127 F.4th at 796 ("[F]or Huntsman to prevail, a court or jury would need to agree with his view of what 'tithing funds' in the Church includes. But that would intrude on the Church's

authority to define that divine concept for itself.") (Bress, J., concurring).

Such behavior by governmental actors is particularly concerning to the USCCB given the breadth of its ministerial and charitable work. The USCCB is staffed by Catholic clergy and lay people. They are tasked with coordinating and encouraging Catholic activities in the United States; organizing and conducting religious, charitable, and social welfare work; aiding in education; caring for immigrants; and generally advancing the USCCB's religious purpose through education, publication, and instruction. U.S. Conf. of Cath. Bishops, *About USCCB*, https://perma.cc/LYW4-D9AR (last visited Aug. 11, 2025). The USCCB's Committee on Pro-Life Activities and its chairmen have been outspoken in their support for pregnancy help centers (like Petitioner) and the critical care that such centers provide to vulnerable mothers. U.S. Conf. of Cath. Bishops, *Pregnancy Help Centers Ensure That No Woman is Left Alone in Her Own Hour of Need*, https://perma.cc/7Q5S-AX94 (last visited Aug. 11, 2025). This committee also put forth a Pastoral Plan for Pro-Life Activities, making commitments to public information and education, pastoral care for pregnant women, public policy efforts, and prayer and worship. U.S. Conf. of Cath. Bishops, *Pastoral Plan for Pro-Life Activities*, https://perma.cc/47MF-DMTA (last visited Aug. 11, 2025). Indeed, an aim of the USCCB in carrying out these activities is to promote and support pro-life organizations like First Choice. Naturally, the USCCB is interested in ensuring that the First Amendment's bulwark of protection against state interference continues to extend not only to its own work but also to the network of pro-life organizations that the USCCB supports.

The USCCB's concern is not unique to its own operations. Coercive tactics could be used against religious groups of all creeds, social views, and political persuasions. Wherever a particular group's religious calling takes it outside the predominant ethic and mores of the day, it will be at risk of similar attempts to interfere, redirect, chill, or quash.

B. **Compelled Disclosure of Donor Lists Jeopardizes the Integrity of a Religious Organization's Mission and Values.**

Many religious traditions value quiet charity. Indeed, the Bible specifically extols the virtues of secret acts of charitable giving. Take, for example, the parable of the poor widow who, while rich patrons made a noisy show of large donations, quietly gave two small copper coins. As Jesus says of her gift:

> Amen, I say to you, this poor widow put in more than all the other contributors to the treasury. For they have all contributed from their surplus wealth, but she, from her poverty, has contributed all she had, her whole livelihood. *Mark* 12:43–44.

Indeed:

> When you give alms, do not blow a trumpet before you, as the hypocrites do in the synagogues and in the streets to win the praise of others. Amen, I say to you, they have received their reward. *Matthew* 6:2.

Rather:

> When you give alms, do not let your left hand know what your right is doing, so that your almsgiving may be secret. And your Father who sees in secret will repay you. *Id.* at 6:3-4.

So, too, in Judaism, a gift made "without the poor person knowing from whom he received" is considered a higher form of charity or justice (*tzedakah*) than where the recipient knows the identity of the giver, because such anonymous gifts are always done for their own sake. Maimonides, *Mishneh Torah*, Gifts to the Poor 10:7-10. Likewise in Islam, "Those who spend their wealth [in Allah's way] by night and by day, secretly and publicly—they will have their reward with their Lord." *Qur'an* 2:224.

"Outing" confidential donors to government investigators, or indeed to the public generally, fundamentally undercuts such religious acts of charity. Doing so would frustrate the religious purpose of a donor wishing to support a religious institution without public recognition because they believe it is the right thing to do—quietly. Millions of everyday donors would need to consider not only what their right hand is doing but also the possibility that the general public may become privy to it as well.

More generally, in seeking to compel a religious organization to disclose its donor list, the state unreasonably seeks disclosure and identification of individuals acting from pure religious motivation. As the Court acknowledged last term, a court is not competent to parse "charitable" work from "religious" work, because decisions about how an organization carries out its charitable mission are "fundamentally theological choices driven by the content of different religious doctrines." *Cath. Charities Bureau, Inc.*, 605 U.S. at 252. Parsing the religious motivation behind any individual donor's contribution to a religious organization would be no easier.

In most cases, secular attempts to compel a religious organization to disclose their donor lists amount to

nothing short of a pressure campaign intended to force compliance with the state's preferred policy decisions. There are almost no circumstances in which the state could have a legitimate (let alone compelling) purpose in learning the identity of a religious organization's donors. See *Free Speech Coal.* v. *Paxton*, 145 S. Ct. 2291, 2310 (2025) ("In the First Amendment context, we have held only once that a law triggered but satisfied strict scrutiny—to uphold a federal statute that prohibited knowingly providing material support to a foreign terrorist organization.") (citing *Holder* v. *Humanitarian Law Project*, 561 U.S. 1, 27–39 (2010)). A mere conflict between a state's preferred policies and a religious organization's beliefs presents no such legitimate or compelling basis for the state to learn the identity of the organization's donors. Rather, the most plausible explanation for such efforts is a desire to "name and shame" donors for daring to financially support a cause the state deems unworthy. Compelled disclosure is intended to dry up funding or compel acquiescence to the state's agenda, in derogation of religious values.

The Court has already rejected such efforts in a secular context. *Bonta.*, 594 U.S. at 607 (requiring disclosure of donor lists creates an "inevitable" and "deterrent effect on the exercise of First Amendment rights.") (citing *Buckley* v. *Valeo*, 424 U.S. 1, 65 (1976) (per curiam)). At a minimum, a rule that governs compelled disclosures for secular organizations should be no different for religious organizations. See *id.* at 618 ("[E]ach governmental demand for disclosure brings with it an additional risk of chill."); see also, *id.* at 619 (Thomas, J., concurring in part and concurring in the judgment) ("[C]ompelled disclosure laws[] should be subject to the same scrutiny as laws directly burdening other First Amendment rights."). Given the Court's

unambiguous rejection of secular attempts to control or manipulate the actions of secular organizations in violation of the First Amendment, the bar for compelled disclosure from religious organizations should be even higher. See *Our Lady of Guadalupe*, 591 U.S. at 732; *Kedroff*, 344 U.S. at 116; *Milivojevich* 426 U.S. 696; *Hosanna-Tabor*, 565 U.S. at 186; *Watson*, 80 U.S. at 734.

II. COMPELLED DISCLOSURE OF DONOR LISTS CHILLS CORE FIRST AMENDMENT SPEECH AND ASSOCIATION RIGHTS, ESPECIALLY FOR RELIGIOUS ORGANIZATIONS.

A financial donation is an act of speech, of association, and, as described *supra*, of religious expression. When a state compels a religious organization to disclose its donor lists, it assails nearly every First Amendment right with a single blow.

A. Compelled disclosure chills free speech in the form of individual donations, in violation of the First Amendment.

It is well established that the First Amendment "safeguards an individual's right to participate in the public debate" through expression. *McCutcheon* v. *Fed. Election Comm'n*, 572 U.S. 185, 203 (2014) (citing *Buckley,* 424 U.S. at 15). This Court, in *Buckley* and *Citizens United* v. *FEC,* 558 U.S. 310 (2010), recognized that financial contributions constitute fundamental speech expressions entitled to First Amendment protections. Those protections extend beyond elections and political campaigns to contributions by individuals to organizations and causes. In *Buckley*, this Court held that restrictions on financial contributions to political candidates implicate core First

Amendment concerns. *Buckley*, 424 U.S. at 23. This Court observed that a contribution made by an individual "serves as a general expression of support." *Id.* at 21. The *act* of giving, then, is itself communicative in nature—a symbolic expression of support entitled to the First Amendment's protection. *Id.* The Court extended this line of reasoning in *Citizens United*, emphasizing that financial contributions and First Amendment speech protections are inextricably linked. *Citizens United*, 558 U.S. at 320. As such, the First Amendment "must give the benefit of any doubt to protecting rather than stifling speech." *Citizens United*, 558 U.S. at 327.

Moreover, the precedent establishing that financial donations are expressions protected by the First Amendment extends beyond politics. "[C]haritable appeals for funds . . . are within the First Amendment's protection." *Vill. of Schaumburg* v. *Citizens for a Better Env't*, 444 U.S. 620, 632 (1980). So are responses to those appeals in the form of individual financial donations, which constitute a "general expression of support for the recipient and its views." *Cornelius* v. *NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 788 (1985).

The First Amendment's protection of donative expression even extends to the "significant number of persons who support causes anonymously." *Watchtower Bible & Tract Soc'y of N.Y., Inc.* v. *Village of Stratton*, 536 U.S. 150, 166–67 (2002). The promise of anonymity is critical to safeguard the privacy of donors, who exercise their expressive rights to advance polarizing viewpoints. Indeed, donors have an interest in protecting their anonymity precisely to avoid the threat of public censure, condemnation, and retaliation that can be associated with giving to unpopular

causes. *NAACP* v. *Alabama ex rel. Patterson*, 357 U.S. 449, 463 (1958).

The First Amendment therefore protects the right of individual donors not only to give as they see fit but also to do so with the safeguards of privacy and anonymity this Court has recognized in other contexts.

B. **Compelled disclosure chills associative rights and threatens religious groups' authority over governance decisions.**

State-compelled disclosure of donor lists places associative rights in the crosshairs. This Court has long acknowledged the intense pressures of such a demand and the likelihood that members and their organizations may prefer to forgo association rather than draw the state's wrath. See *Patterson*, 357 U.S. at 462.

The right of the people "to petition the Government for a redress of grievances" includes the right to associate for that purpose. U.S. Const. amend. I.; *Roberts* v. *U.S. Jaycees*, 468 U.S. 609, 622 (1984). These "collective effort[s] on behalf of shared goals" serve many important functions in our Republic. *U.S. Jaycees*, 468 U.S. at 622. They "produce the diversity of opinion that oils the machinery of democratic government." *Gilmore* v. *City of Montgomery*, 417 U.S. 556, 575 (1974). They "make[] possible the distinctive contribution of a minority group to the ideas and beliefs of our society." *NAACP* v. *Button*, 371 U.S. 415, 431 (1963). And, perhaps most importantly, they "shield[] dissident expression from suppression by the majority." *U.S. Jaycees*, 468 U.S. at 622.

Compelled disclosure of a group's donors is exactly this sort of minority suppression. The Court has long held that compelling disclosure of a group's *members* implicates the right to free association. Nearly

seventy years ago, in the heart of the Civil Rights struggle, this Court declared it "hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy . . . constitute[s] . . . a restraint on freedom of association[.]" *Patterson*, 357 U.S. at 462. Such unmasking subjects the group's members to consequences, including "economic reprisal, loss of employment, threat of physical coercion, and other manifestations of public hostility." *Id.*; *Bates* v. *City of Little Rock*, 361 U.S. 516, 524 (1960) (describing evidence of "harassment and threats of bodily harm" following public identification of NAACP members); *Brown* v. *Socialist Workers '74 Campaign Comm. (Ohio)*, 459 U.S. 87, 98 (1982) ("Compelled disclosure of the names of such recipients of expenditures could therefore cripple a minor party's ability to operate effectively[.]").

There is no meaningful distinction between a list of a group's members and a list of its donors. Indeed, core to the right to free association is "the right to pool money through contributions[.]" *Buckley*, 424 U.S. at 65. Without such pooled contributions, advocacy could not be "truly or optimally effective." *Id.* at 66. As a practical matter, donors are generally less likely to offer financial support where their anonymity is threatened. See *McIntyre* v. *Ohio Elections Comm'n*, 514 U.S. 334, 341–42 (1995) (anonymous association can 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").

This Court's decision in *Shelton* v. *Tucker*, 364 U.S. 479 (1960), neatly captures why compelled disclosure of an organization's donors chills the right to free association. Arkansas compelled public schoolteachers to annually disclose each organization to which they

belonged or financially contributed within the past five years. *Id.* at 480. The statute did not obligate the school to keep this information confidential. *Id.* at 486. Several teachers were unwilling to comply, and their employment was terminated as a result. *Id.* at 482–84. The teachers brought suit, and the Court found in their favor, recognizing that the impermissibly sweeping scope of the disclosures required under the state statute wreaked "comprehensive interference with associational freedom[.]" *Id.* at 490; see also *Gibson* v. *Fla. Legislative Investigation Comm.*, 372 U.S. 539, 545, (1963) ("The fact that the general scope of the inquiry is authorized and permissible does not compel the conclusion that the investigatory body is free to inquire into or demand all forms of information.").

The Court recognized such compelled disclosure amounts to "'constant and heavy' pressure" on the teachers and their associational choices. *Bonta*, 594 U.S. at 616 (citing *Shelton*, 364 U.S. at 486). The teachers "serve[d] at the absolute will of those to whom the disclosure must be made." *Shelton*, 364 U.S. at 486. Fear of retribution transformed the statute into a kind of associational prior restraint—a teacher would "avoid any ties which might displease those who control his professional destiny[.]" *Id.* at 486. Indeed, "even if there [is] no disclosure to the general public" of a member's association with a targeted group, the fact of that association, in the hands of a biased state official, will pressure donors to forgo association entirely. *Id.*[3]

[3] This Court has made clear that this chilling effect occurs in all cases—even if members "prefer[] the disclosure of their identities[.]" *Bonta*, 594 U.S. at 616.

C. By targeting religious organizations, the state magnifies the constitutional perils of compelled disclosure.

Compelled disclosure laws have a greater chilling effect when they target religious groups. As explained *supra,* donor disclosure requirements confront a religious organization's donors with a constitutionally impermissible choice: stop contributing or face state-sanctioned retribution. *Cf. Trinity Lutheran Church of Columbia, Inc.* v. *Comer*, 582 U.S. 449, 462 (2017). The constitutional affront is amplified by virtue of the fact that making donations to a religious organization is not only an act of speech but also a religious act. See supra at I.B. This is particularly true for religious traditions with a mandatory tithing requirement. See Gabrielle Graves, *Donation or Coercion? Deductibility of Compulsory Tithes Under Section 170*, 33 Geo. Mason U. Civ. Rts. L.J. 71, 74-75 (2022) (discussing mandatory tithes in Jewish, Muslim, Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventist, and Church of Scientology religious traditions). Catholics, for their part, have a Canon Law duty to "assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity, and for the decent support of ministers." Codex Iuris Canonici (Code of Canon Law), CIC c.222, § 1 (1983). Consequently, compelling disclosure of a religious organization's donor list subjects ordinary citizens to state scrutiny simply for adhering to a sincerely held religious belief that they are obligated to financially support their own house of worship. Separately, as this Court long ago recognized, the "fear of exposure of their beliefs . . . and of the consequences of this exposure" can, in fact, lead to members leaving their groups, chilling associational freedom. *Patterson*, 357 U.S. at 463. And compelled

disclosure laws provide the state an improper supervisory role in a religious organization's formation of its own faith and mission. *Hosanna-Tabor*, 565 U.S. at 188; see also *Our Lady of Guadalupe*, 591 U.S. at 732; *supra* at I.A.

If allowed to target religious organizations such as Petitioner for donor unmasking, the state threatens these protections. Donors would be chilled from making expressive contributions. So, too, would their associational freedom be curtailed, because compelled disclosure affects "every conceivable kind of associational tie—social, professional, political, avocational, or religious." *Shelton*, 364 U.S. at 488. And once empowered to demand an organization's sensitive donor information, state attorneys general may, in effect, ultimately threaten to influence consequential decisions concerning the organization's internal governance.

This Court can affirm and strengthen its precedents protecting religious exercise and association and deny the state's attempt to infringe a religious organization's right to shape its own faith and mission. *Hosanna-Tabor*, 565 U.S. at 188. The "internal governance" of these groups is their own. *Id.*; see also *Our Lady of Guadalupe*, 591 U.S. at 732. But if state attorneys general are free to demand donor lists from religious groups, the autonomy and mission of any number of religious organizations could very likely fall victim to state incursion. The Court should put an end to such efforts by reversing the decision below. In so doing, this Court can send a powerful message that secular authorities may not wield the arrow of compelled donor disclosure to interfere with a religious organization's autonomy, suppress the speech of the group's members or donors, or interfere with the associative rights of its supporters all at once.

CONCLUSION

The decision below should be reversed.

Respectfully submitted,

August 28, 2025

GORDON D. TODD *
DAVID S. PETRON
MACKENZI J.S. EHRETT
MORGAN A. PINO
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
gtodd@sidley.com
(202) 736-8760

PHILIP H. DEVOE
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019

* Counsel of Record