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NCLA Urges Supreme Court to Protect Landmark Civil Rights Precedent Against “Cancel Culture”

Americans for Prosperity Foundation v. Xavier Becerra; Thomas More Law Center v. Xavier Becerra

Washington, DC (March 1, 2021) — The landmark 1958 case *NAACP v. Alabama ex rel. Patterson* was undoubtedly one of the most significant U.S. Supreme Court decisions of the civil rights era. More than 60 years later, it is once again front and center as the highest court in the land prepares to hear oral arguments in *Americans for Prosperity Foundation v. Xavier Becerra* and *Thomas More Law Center v. Xavier Becerra*. The New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, filed an [amicus brief](#) today in support of Petitioners because the legacy of this irreplaceable civil rights-era precedent is being threatened. California Attorney General Xavier Becerra has imposed a new, binding obligation on charities to turn over a list of their major supporters—without authority from the state legislature.

NAACP v. Alabama should be celebrated—not discarded. NCLA is concerned that the Ninth Circuit’s earlier [decision](#) in *AFP v. Becerra* eviscerates the Supreme Court’s landmark Freedom of Association precedent. Back then, John Patterson, the Attorney General of Alabama, had demanded membership lists from the local NAACP chapter. The Supreme Court ultimately ruled that the NAACP did not have to divulge its members to the attorney general because having to do so could deter people from joining the organization.

Resuscitating the once-settled dispute, Becerra has violated the First Amendment of the U.S. Constitution as applied to the states under the Fourteenth Amendment by requiring charities to turn over a list of their major supporters. His demand has undermined the rights of speech and associational freedom, and it has impinged on the philanthropic freedom of supporters who want to give anonymously. Furthermore, Becerra’s actions have blatantly shifted lawmaking from elected legislators to California’s executive branch. NCLA is asking the Supreme Court to reverse the Ninth Circuit’s decision and preserve constitutional protections for political minorities against today’s cancel culture.

NCLA released the following statements:

“The Attorney General’s demand that charities turn over the names of their top donors is nothing more than state-sponsored cancel culture. The Constitution guarantees not only the right to associate but also privacy in one’s associations. In an increasingly polarized environment, people across the political spectrum face harassment, loss of employment, and even violence because of their viewpoints and the people with whom they associate. *NAACP v. Alabama* recognized the chilling effect—and danger—of requiring unpopular groups to disclose their supporters. The Court must reaffirm this cornerstone decision of the civil rights era.”

— **Michael DeGrandis, Senior Litigation Counsel, NCLA**

“A cadre of state government officials set out to cancel Martin Luther King Jr.’s civil rights movement in the 1950s. The Supreme Court stopped one important aspect of those efforts in 1958. Fast forward to current times, and the California attorney general wants to aid and abet the reigning cancel culture. The Supreme Court should instead reaffirm America’s commitment to the First Amendment.”

— **Adi Dynar, Litigation Counsel, NCLA**

For more information about this case visit [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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