



## FIRST FREEDOMS FOUNDATION, INC.

P.O. Box 2545  
BROOKFIELD, WI 53008

[info@firstfreedomfoundation.org](mailto:info@firstfreedomfoundation.org)

MICHAEL D. DEAN, GENERAL COUNSEL

March 22, 2022

For Immediate Release

### **Federal Court Issues Decision Protecting Donors *Wisconsin Family Action v. Federal Elections Commission***

#### **Legal Update – *WFA v. FEC*:**

In December, First Freedoms Foundation joined Institute for Free Speech in a federal action against the Federal Elections Commission on behalf of Wisconsin Family Action (WFA).

The suit challenged FEC administrative actions that threatened the privacy of donors to WFA and similar social welfare 501(c)(4) organizations across the country. The FEC, in light of an opinion from the D.C. Circuit Court of Appeals, was poised to demand disclosure of any donor that gave \$200 in a year to WFA if WFA spent \$250.01 or more in independent expenditures to elect or defeat a federal office candidate.

WFA's suit requested an injunction on the FEC's enforcement of such broad reporting requirements. At hearing in federal district court, the FEC withdrew from its broad disclosure stance and, as recognized today by the court, will only demand that "a non-political organization, like WFA, that makes independent expenditures exceeding \$250 must disclose only those donors whose contributions are *earmarked* for political purposes and are tied to a federal election."

In other words, WFA is not required to identify *any* donor who does not specifically ask WFA to use her donation to support or oppose a federal candidate.

While the court decision today declines the injunctive relief sought by WFA, the court's recognition of the FEC's dramatically curtailed enforcement posture is a victory for free speech that will protect donor anonymity for the vast majority of donors to organizations like WFA.

## **The Court's "Cancel Culture" Concerns**

In requesting injunctive relief against the FEC, WFA provided evidence to the court that with unnecessarily broad disclosure requirements comes threats, violence, and other forms of intimidation in what the court acknowledged as part of today's "cancel culture."

In his ruling, Judge Griesbach stated,

The accessibility of the Internet and the rise of "cancel culture" are major developments since *Buckley*. Cancel culture is the phenomenon of aggressively targeting individuals or groups, whose views aggressors deem unacceptable, in an effort to destroy them personally and/or professionally. Cancel culture, a prominent force in today's world, is inconsistent with the philosophy of open, political debate; it undermines and stifles First Amendment privileges.

Judge Griesbach's statement on cancel culture is a breath of fresh air.

First Freedoms Foundation will continue standing for the constitutional rights of citizens to engage in public debate openly and free of intimidation.