

# Defending revolutionary freedoms

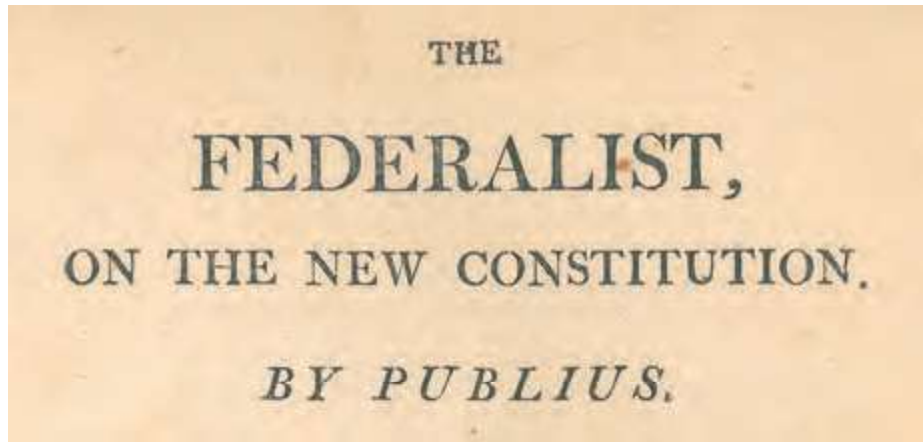
## Castro v. Doe

The importance of anonymous political speech has been recognized since America's founding. John Adams used a pseudonym to protest British taxation without representation. Madison, Jay, and Hamilton advocated for the Constitution in the *Federalist Papers* under the pseudonym "Publius." Thomas Paine wrote under a veil of anonymity to declare that independence was "Common Sense." Anonymous political speech has been protected ever since.

A U.S. presidential candidate, especially one with a law degree, should respect this legal rule. Not so for John Anthony Castro, a Texas-based tax consultant who is running a long shot campaign for the 2024 presidential election. Castro saw some unflattering entries on his Wikipedia page, and in July, he filed a frivolous \$180 million federal defamation suit against a Wikipedia editor who volunteers his time under the pseudonym Chetsford.

Castro alleges, among other spurious claims, that Chetsford described him as a "sleazy" tax attorney. Even if calling someone sleazy constitutes defamation, and it doesn't (statements of opinion are not legally defamatory), the page made no such claim. Instead, it related that a tax professor had recently given Castro his "Norm Peterson Award," a satirical prize conferred on tax consultants who give extremely bad advice.

CIR is defending Chetsford's privacy and freedom from abusive



litigation meant to silence him and others from public commentary. This will strengthen our time-honored First Amendment right to engage in anonymous political speech. Victory will also produce a far-reaching precedent that protects all types of anonymous advocacy, including private donations to political causes.

"Dark money" is decried by progressive politicians, think tanks, and journalists writing about anonymous contributions to conservative causes. They despise our defense of freedom and seek to control it. Their battle cry is for more laws that require disclosure of donor information, not just to political candidates, but to private associations opposing their views.

The Supreme Court has been skeptical of donor disclosure laws for private associations since its 1958 decision overturning an Alabama law that would compel a local NAACP chapter to disclose its membership rolls. The Court recognized that disclosure laws could be used

to intimidate and suppress political associations. Yet, efforts to enact such laws persist to this day.

In *Americans for Prosperity v. Bonta* (2021), the Supreme Court reaffirmed the right of private association, declaring a California law requiring nonprofits to reveal the identities of their top donors unconstitutional. Unfortunately, many states did not get the message. In 2023 alone, nineteen states either passed or considered legislation that would violate donor privacy rights. California's still at it too, mandating disclosure of key referendum supporters.

CIR's defense of anonymous advocacy in *Castro* will protect both political commentary and nonprofit donor privacy. The Court has long recognized that constitutional protections for anonymous speech also protect Americans' right to support political organizations free from the prying eyes of government officials. That's a revolutionary value worth fighting for.