

To: Members of the Kansas House Judiciary Committee

From: Kenya Cox, NAACP

Re: NAACP Proponent Testimony for House Bill 2495

Date: January 25, 2022

Chairman Patton and members of the committee:

Thank you for the opportunity to offer proponent testimony on House Bill 2495. My name is Kenya Cox and I am testifying on behalf of the NAACP.

House Bill 2495 would help to strengthen the vitality and breadth of civil society in the state. It would uphold a key pillar of philanthropic giving, the right of charitable donors to keep their giving private if they wish. There are a myriad of reasons Kansans may choose to keep their donations private including, but not limited to privacy concerns, religious convictions, and fear of harassment or retaliation.

The right to give and associate privately has been upheld several times by the Supreme Court, including in last summer's Americans for Prosperity Foundation case and in the 1958 NAACP v. Alabama case. In 1958, the Supreme Court ruled that the State of Alabama could not force the NAACP to reveal the names and addresses of its members without violating the First Amendment. They ruled that the "freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause."

Fear of harassment or retaliation is not the only reason donors prefer to give anonymously. They also prefer to give anonymously because of moral or religious convictions. Seneca the Younger, a Roman senator and philosopher, wrote "How sweet, how precious is a gift, when he who gives does not permit himself to be thanked."¹

¹ Lucius Annaeus Seneca (translation by Aubrey Stewart), *De Beneficiis* (On Benefits), p. 33, publisher unknown, circa 1900.

Many people prefer to give anonymously to not overshadow the worthy cause they are donating to. For example, late pop icon [George Michael](#) donated millions over the years to Childline, a counseling service for children that helps them heal from trauma and regularly donated to the needy.²

As we all know, Kansans are incredibly generous. Just this past December, the Wichita Police Foundation received an [anonymous donation](#) of \$145,000 and the funding will go to ensure the safety of local law enforcement officers.³ Every year around the holidays in Shawnee, the police department receives a \$10,000 donation from an [anonymous donor](#). This year, the police officers took the opportunity to brighten the day for some folks by randomly handing out \$100 to people.⁴ Early last year, the city of Horton received an [anonymous donation](#) of \$25,000 to put towards their ball program. Prior to this donation, due to a funding issue, the city hasn't had a functioning ball program for the past five years.⁵

House Bill 2495 offers many protections to donors and gives them the comfort of being able to give how they choose, while protecting their privacy in the process. I urge you to not put the ability to give anonymously at risk. Organizations, including the NAACP, do a lot of good work for the community, and being forced to disclose donors would put that at risk.

I encourage you to advance House Bill 2495. Thank you for your time today and I am happy to answer any questions.

² *Stories of British pop star George Michael's magnanimity emerged after his passing in 2016*, Insider (Jan. 21, 2022) <https://www.insider.com/charitable-celebrities-2018-3#stories-of-british-pop-star-george-michaels-magnanimity-emerged-after-his-passing-in-2016-6>

³ *Wichita Police Foundation receives largest single donation ever*, KSN (Jan. 21, 2022) <https://www.ksn.com/news/local/wichita-police-foundation-receives-largest-single-donation-ever/>

⁴ *Shawnee Police hand out hundreds of dollars thanks to Secret Santa*, KMBC News (Jan. 21, 2022) <https://www.kmbc.com/article/shawnee-police-hand-out-hundreds-of-dollars-thanks-to-secret-santa/38541618#>

⁵ *Anonymous \$25,000 donation helps bring baseball, softball back to Horton High*, WIBW 13 (Jan. 21, 2022) <https://www.wibw.com/2021/05/19/anonymous-25000-donation-helps-bring-baseball-softball-back-to-horton-high/>