

1 **DECLARATION OF "JOHN DOE DONOR"**

2 I am over the age of twenty-one, of sound mind, and willing to testify to the matters set
3 forth herein under oath and in a court of law. I have personal knowledge of the facts set
4 forth in this Declaration.
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6 1. I am the individual or individual in control of the entity designated as John Doe
7 Donor for purposes of this statement who has caused the donation of funds to the
8 Compact for America Educational Foundation, Inc., which may be listed on
9 Schedule B of said Foundation's IRS form 990.
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11 2. The foregoing donation was made, in part, in reliance upon an expectation that it
12 would be kept confidential from state agencies.
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14 3. I have an expectation and fear that donor privacy would be violated or that there
15 would be political, economic or social retaliation to individuals causing the
16 donation if disclosure of the foregoing donation were made to state agencies.
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18 4. My expectation of a privacy violation is based, in part, on the lack of adequate
19 cybersecurity at all levels of government and especially state government, as
20 evidenced by the numerous reports of hacking of confidential and supposedly
21 secure state and federal databases, including:
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- 23 a) U.S.A. Today has reported that the security of over 200,000 accounts with
24 the Internal Revenue Service was compromised in a recent hacking attack
25 ([http://www.usatoday.com/story/tech/2015/08/17/irs-hack-get-](http://www.usatoday.com/story/tech/2015/08/17/irs-hack-get-transcript/31864171/)
26 [transcript/31864171/](http://www.usatoday.com/story/tech/2015/08/17/irs-hack-get-transcript/31864171/));
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- 1 b) The Washington Post's report that 22.1 million people were affected by
2 hacking of federal government databases in 2014
3 ([http://www.washingtonpost.com/blogs/federal-eye/wp/2015/07/09/hack-
6 of-security-clearance-system-affected-21-5-million-people-federal-
7 authorities-say/](http://www.washingtonpost.com/blogs/federal-eye/wp/2015/07/09/hack-
4 of-security-clearance-system-affected-21-5-million-people-federal-
5 authorities-say/));
- 8 c) The fact that the foregoing hacks included penetration of security-
9 clearance databases ([https://www.washingtonpost.com/world/national-
13 security/chinese-hack-of-government-network-compromises-security-
14 clearance-files/2015/06/12/9f91f146-1135-11e5-9726-
15 49d6fa26a8c6_story.html](https://www.washingtonpost.com/world/national-
10 security/chinese-hack-of-government-network-compromises-security-
11 clearance-files/2015/06/12/9f91f146-1135-11e5-9726-
12 49d6fa26a8c6_story.html));
- 16 d) The Forbes.com report that the California Obamacare website is hackable
17 ([http://www.forbes.com/sites/kashmirhill/2014/01/15/so-you-found-an-
19 obamacare-website-is-hackable-now-what/](http://www.forbes.com/sites/kashmirhill/2014/01/15/so-you-found-an-
18 obamacare-website-is-hackable-now-what/));
- 20 e) The New York Attorney General's report that numerous data breaches
21 have occurred in state agencies, with 14 agencies suffering from 3 or more
22 breaches and 86,548 people being affected
23 (http://ag.ny.gov/pdfs/data_breach_report071414.pdf); and
- 24 f) The report of the hacking of South Carolina's taxing agency confidential
25 data, public exposure of the confidential data of millions of taxpayers, and
26 resulting tax fraud
27 ([http://www.greenvilleonline.com/story/news/politics/2015/03/08/experts-
link-possible-hacking-tax-fraud/24499699/](http://www.greenvilleonline.com/story/news/politics/2015/03/08/experts-
28 link-possible-hacking-tax-fraud/24499699/)).

1 5. I have no confidence that the disclosure of the foregoing donation will be handled
2 by state agencies with reliable confidentiality because there is every indication
3 from a recent Pew Trust's report that state agencies are even less capable in
4 preventing data security breaches than the federal government, as evidenced by
5 findings that:
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7 a) cyberattacks on state government databases are escalating including
8 California databases, with only "half the states" allocating "only 1
9 percent to 2 percent of their information technology budgets" to
10 security as compared to the federal government's allocation of "about
11 11 percent;"
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13 b) "California's Department of Technology reported 7,345 data breaches
14 at state departments and agencies from the beginning of 2013 through
15 early November last year . . . [t]he state had to notify 23,379
16 individuals that their personal information may have been
17 compromised and spent at least \$5 million to fix the breaches;" and
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19 c) "Only 24.5 percent of the information and security officers said they
20 were 'very confident' they could protect against cyber threats"
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22 ([http://www.pewtrusts.org/en/research-and-
23 analysis/blogs/stateline/2014/10/02/cyberattacks-on-state-databases-
24 escalate](http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2014/10/02/cyberattacks-on-state-databases-escalate)).
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26 6. The fear of a data breach also provokes an expectation and fear of political,
27 economic, and social retaliation as a result of the subject donation.
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- 1 7. Specifically, I am concerned about the Internal Revenue Service's mistreatment
2 of disfavored political and educational groups starting in the Spring of 2010. The
3 Internal Revenue Service has since admitted that its employees disclosed
4 confidential information about such disfavored groups to political opponents.
5 ([http://www.propublica.org/article/irs-office-that-targeted-tea-party-also-](http://www.propublica.org/article/irs-office-that-targeted-tea-party-also-disclosed-confidential-docs)
6 [disclosed-confidential-docs](http://www.propublica.org/article/irs-office-that-targeted-tea-party-also-disclosed-confidential-docs); [http://dailysignal.com/2014/06/24/irs-admits-](http://dailysignal.com/2014/06/24/irs-admits-wrongdoing-pay-50000-leaking-marriage-groups-tax-return/)
7 [wrongdoing-pay-50000-leaking-marriage-groups-tax-return/](http://dailysignal.com/2014/06/24/irs-admits-wrongdoing-pay-50000-leaking-marriage-groups-tax-return/)). I am concerned
8 that there may be overlapping networks of politically or socially allied individuals
9 between those state agencies that seek donor information and the employees or
10 political appointees previously directing the Internal Revenue Service's actions.
11 Such networks may have the same motivation to cause harm to groups and
12 individuals who are perceived to be conservative, which is what a Senate
13 investigation concluded about the Internal Revenue Service's conduct
14 ([http://www.reuters.com/article/2015/08/06/us-usa-congress-irs-](http://www.reuters.com/article/2015/08/06/us-usa-congress-irs-idUSKCN0QB01N20150806)
15 [idUSKCN0QB01N20150806](http://www.reuters.com/article/2015/08/06/us-usa-congress-irs-idUSKCN0QB01N20150806)).
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20 8. My fear of retaliation is also based on the fact that the donation is made to an
21 organization that is a state-based think tank engaging in public policy education.
22 This fact gives rise to a reasonable probability of retaliation because all areas of
23 public policy, especially when advanced by state-based think tanks, are becoming
24 increasingly divisive, controversial, and triggers for political retaliation, as
25 evidenced by:
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- a) the words of Arshad Hasan, Executive Director of ProgressNow, “the next step for us is to take down this network of institutions that are state-based in each and every one of our states” (<http://ricochet.com/netroots-panel-launches-effort-take-conservative-stink-tanks/>);
- b) The fact Mozilla CEO Brendan Eich recently “voluntarily” resigned from his position in 2014 because he made a \$1,000 contribution to the Proposition 8 campaign in California (<http://abcnews.go.com/Business/mozilla-ceo-resigns-calif-gay-marriage-ban-campaign/story?id=23181711>);
- c) A Facebook shareholder filed a complaint with the SEC, protesting the fact that Facebook had given money to politicians who did not act in conformity with the company’s “corporate values.” (<http://www.cnbc.com/id/101573775#>);
- d) Big Labor has reportedly created a blacklist to punish donations made by companies for supporting disfavored public policies (<http://www.ocregister.com/articles/political-535239-money-donors.html>; <http://blogs.sacbee.com/capitolalertlatest/2013/07/former-jerry-brown-aide-among-consultants-blacklisted-by-labor.html>);
- e) the hacktivist group, Anonymous, has targeted denial of service attacks on Koch Industries because of its political engagement, causing serious disruption of its websites

1 [\(http://www.campaignfreedom.org/2011/07/28/attacks-on-political-](http://www.campaignfreedom.org/2011/07/28/attacks-on-political-donors-demonstrate-dangers-of-excessive-disclosure/)
2 [donors-demonstrate-dangers-of-excessive-disclosure/](http://www.campaignfreedom.org/2011/07/28/attacks-on-political-donors-demonstrate-dangers-of-excessive-disclosure/));

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4 f) Senator Dick Durbin has demanded that think tanks who supported the
5 American Legislative Exchange Council testify about their relationship to
6 the development of model “Stand Your Ground” laws

7 [\(http://www.forbes.com/sites/realspin/2013/09/11/an-ominous-letter-from-sen-](http://www.forbes.com/sites/realspin/2013/09/11/an-ominous-letter-from-sen-dick-durbin-raises-threats-to-the-first-amendment/)
8 [dick-durbin-raises-threats-to-the-first-amendment/](http://www.forbes.com/sites/realspin/2013/09/11/an-ominous-letter-from-sen-dick-durbin-raises-threats-to-the-first-amendment/));

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10 g) The Center for Media & Democracy and ProgressNow have launched ad
11 hominem assaults on private donors and advocates of conservative causes

12 [\(\[http://www.prwatch.org/files/spn_national_report_final.pdf\]\(http://www.prwatch.org/files/spn_national_report_final.pdf\)\);](http://www.prwatch.org/files/spn_national_report_final.pdf)

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14 h) Wisconsin prosecutors have pursued secret “John Doe” investigations
15 against legions of center-right political groups and interests, resulting in
16 the dragnet search and seizure through subpoena of private
17 communications and emails, as well as a predawn paramilitary raid on the
18 homes and offices of various conservative groups

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20 [\(<http://watchdog.org/187893/supreme-court-john-doe-legal/>;](http://watchdog.org/187893/supreme-court-john-doe-legal/)

21 <http://watchdog.org/166889/john-doe-retaliation-prosecutors/>;

22 <http://online.wsj.com/articles/a-free-speech-scheme-1403308776>); and

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24 i) reports that even fiscal policy debates over government debt are becoming
25 increasingly divisive ([http://www.voanews.com/content/us-debt-debate-](http://www.voanews.com/content/us-debt-debate-driven-by-polarized-politics-126343888/174792.html)

26 [driven-by-polarized-politics-126343888/174792.html](http://www.voanews.com/content/us-debt-debate-driven-by-polarized-politics-126343888/174792.html)).

1 9. Although I understand that the governmental interest in disclosure of my donor
2 information has been justified by the goal of preventing fraud in a charitable
3 organization, I am confident that disclosure of the subject donation will not serve
4 that purpose in light of the fact the Foundation is managed and overseen by
5 individuals of the highest character and reputation, and its financial statements
6 have been audited by an outside accountant. I also understand that another
7 purpose is to ensure that charitable purposes are being pursued. In this case, there
8 cannot be any serious doubt that the Foundation is pursuing its declared charitable
9 purpose of educating the nation about using interstate agreements called
10 “compacts” to advance constitutional amendments, such as a federal balanced
11 budget amendment. All one needs to do is review their educational materials at
12 www.CompactforAmerica.org
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16 10. If a disclosure of my donation were made, I would feel inhibited in contributing
17 or in directing an entity under my control to contribute to any charitable group
18 that would be subject to similar regulations, especially those that engage in public
19 policy research and education; this would cause me or the entity I control to
20 refrain from associating with valued individuals and organizations or using
21 financial resources to support the projection of messages in which I or the entity I
22 control believe.
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25 11. I recognize that Compact for America Educational Foundation, Inc. is serving as
26 a mere draftsman and scrivener, not as legal counsel, in furnishing me with the
27 template for this statement. I have consulted with legal counsel unaffiliated with
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Compact for America Educational Foundation, Inc. before signing this statement
or I have knowingly and voluntarily waived my right to consult with such legal
counsel before signing this statement.

I declare under penalty of perjury under 28 U.S.C. § 1746(2), the laws of the United
States that the foregoing is true and correct to the best of my knowledge, information
and belief.

Executed this August ____, 2015.

By or for John Doe Donor:
