



For Immediate Release
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Diverse Nonprofit Groups Condemn Ensign Amendment Obstructing Passage of Senate Electronic Disclosure Bill

CFI: If Ensign Does Not Withdraw Amendment, Senate Majority Leader Reid Should Promptly Bring it Up and Defeat it; Voters Deserve Timely Information about Contributions for 2008 Senate Elections

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A single Senator, John Ensign (R-NV.) has been obstructing Senate passage of S. 223 providing for electronic disclosure and prompt Internet searchability of Senate campaign contributions. This bill, sponsored by Senators Russell Feingold (D-WI) and Thad Cochran (R-MS) and 39 other bipartisan Senators, has no public opposition. However, Ensign has withheld unanimous consent to take it up and pass it by insisting on a vote on his controversial, unrelated amendment to force charities, religious organizations and civic nonprofit organizations to disclose all of their \$5,000+ donors when they file ethics complaints against sitting Senators.

Now a broad group of ideologically diverse nonprofit organizations and coalitions has written to Senate Majority Leader Harry Reid (D-NV) and Minority Leader Mitch McConnell (R-KY) urging them to “drop” or “defeat” the “retaliatory Ensign Amendment to S. 223.” Signatories include: Alliance for Justice, Americans for the Preservation of Liberty, The American Conservative Union, Center for Lobbying in the Public Interest, The Free Speech Coalition, James Bopp, General Counsel, James Madison Center for Free Speech, Gun Owners of America, National Center for Public Policy Research, and OMB Watch which took the lead in circulating the letter (see copy of letter below).

In their November 9th letter, the organizations declared that "This proposal is a clear attempt to intimidate the public from seeking enforcement of Senate ethics rules." They add that "Its retaliatory nature is counter to donors' privacy rights and the First Amendment rights of association and speech, and raises significant constitutional questions." Furthermore, if adopted, "this provision would have the effect of changing existing tax law without the benefit of a full and open public debate, including involvement of Congressional tax-writing committees."

Responding to Sen. Ensign's argument that donor disclosure would enable Senators to find out if complaints are being filed "purely for political reasons" and thereby "protect this institution," the nonprofit signers point out that "Current law provides adequate information about any organization filing an ethics complaint. Any Senator can learn more about the organization by requesting disclosure of their IRS Form 990 which does not publicly identify donors, but does provide information on key leadership, finances and activities."

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CFI Executive Director Michael Malbin commented, "In view of this broad condemnation of the Ensign Amendment from major nonprofits spanning the ideological spectrum, Senator Ensign should agree to drop his obstructionist amendment. If he wants to pursue the issue despite the broad opposition, let it stand on its own." Senator Dianne Feinstein (D-CA), Chairman of the Senate Rules Committee which unanimously reported out S. 223, has offered Sen. Ensign a prompt hearing on his proposal.

"If Sen. Ensign does not withdraw the amendment, Majority Leader Reid should bring up S. 223 promptly -- with 20 minutes of debate on the amendment as Ensign and Republican Leader McConnell have proposed. Faced with these statements of broad-based opposition, and with no committee hearings on the Ensign proposal, the Senate should then vote down the amendment and pass the underlying bill. It is already the middle of an election cycle and voters need to know in a timely way who is donating to Senate candidates. The public has had this information about House and Presidential candidates since 2001. Every Senator who has spoken out on S. 223 has supported it. That includes Sen. Ensign. It is time for the Senate to stop playing games and do what they say they support."

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November 9, 2007

The Honorable Harry Reid
528 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
361-A Russell Senate Office Building
Washington, DC 20510

Re: Drop Retaliatory Ensign Amendment to S. 223

Dear Senators Reid and McConnell,

We are writing as nonprofit organizations to ask you to defeat an amendment proposed by Senator John Ensign of Nevada to S. 223, the Senate Campaign Disclosure Parity Act. It would require any charity, religious organization or civic group that files an ethics complaint against a Senator or a Senate campaign to disclose donors that give more than \$5,000.

This proposal is a clear attempt to intimidate the public from seeking enforcement of Senate ethics rules. Its unmistakable purpose is to discourage organizations from taking action to keep government accountable. Its retaliatory nature is counter to donors' privacy rights and the First Amendment rights of association and speech, and raises significant constitutional questions.

This proposal contravenes and runs counter to the letter and spirit of well-established tax law policies, rules and regulations protecting the identity of donors that were enacted in recognition of the Supreme Court's decision in *NAACP v. Alabama*. If adopted, this provision would have the effect of changing existing tax law without the benefit of a full and open public debate, including involvement of Congressional tax-writing committees, and without a change in the Supreme Court's decision.

Current law provides adequate information about any organization filing an ethics complaint. Any Senator can learn more about the organization by requesting disclosure of their IRS Form 990, which does not publicly identify donors, but does provide information on key leadership, finances and activities.

Civic participation in the United States most often occurs through nonprofit organizations. Individuals who want to influence public policy or hold government accountable know they can be more effective by joining and supporting such organizations. They do so with an expectation of privacy that was recognized by the Supreme Court.

We urge you to oppose the Ensign amendment.

Yours truly,

Alliance for Justice
Americans for the Preservation of Liberty
The American Conservative Union
James Bopp Jr., General Counsel James Madison Center for Free Speech
Center for Lobbying in the Public Interest
The Free Speech Coalition
Gun Owners of America,
National Center for Public Policy Research
OMB Watch

The following private companies also concur with this letter:
Eberle Communications Group, Inc.
Harbinger Communications Co., Inc.

cc: Sen. Max Baucus, Sen. Robert Bennett, Sen. Barbara Boxer, Sen. Thad Cochran,
Sen. John Cornyn, Sen. John Ensign, Sen. Russell Feingold, Sen. Dianne Feinstein,
Sen. Charles Grassley, Sen. John McCain