

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