



September 20, 2022

Dear Members of the Senate,

Americans for Tax Reform writes to opposes the DISCLOSE ACT (S.443) and urges all Senators to reject this anti-free speech legislation.

The DISCLOSE Act, while cleverly named, aims to silence political speech by intimidation and onerous regulation. Such efforts should be rejected swiftly. The goal of this bill it to discourage Americans from participating in the political process.

The DISCLOSE Act is constitutionally dubious based on its forced disclosure of the identities of members of an organization. Even the historically left-wing American Civil Liberties Union (ACLU) has come out in [opposition](#) to previous iterations of the DISCLOSE Act. The ACLU claimed the bill would “significantly harm the speech and associational rights of Americans” and “restrict speech rights in an arbitrary manner, favoring one type of organization over another.”

The bill would force the donors of an organization, who are not necessarily the specific donors to an ad, to appear in a political communication and force groups to disclose members of their organization who are not necessarily funding communications. This would shift the regulatory standard away from those who are actually funding advertisements and targets, for the first time, to individual membership in a group. This inclusive treatment of organizational funding reveals that the intent of this legislation is not true disclosure but rather the intimidation of speech.

The Supreme Court has consistently refused to uphold this type of comprehensive disclosure dating back to NAACP v. Alabama, recognizing that compelled disclosure can be used to intimidate speech. The Court has since repeatedly recognized that compelling an organization to divulge its membership and donors to the government deters such political activities in the first place. As a result, the Court has consistently struck down proposals that force nonprofits to expose their supporters. The DISCLOSE Act ignores and contradicts the Court’s respect for First Amendment rights.

Thus, on behalf of the millions of taxpayers we represent, we urge you to reject this assault on free speech and to vote against S.443.

Sincerely,

Grover Norquist
President, Americans for Tax Reform