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June 13, 2001

Dear Congressman:

The Free Speech Coalition, Inc. ("FSC") and the other nonprofit organizations and for-profit companies signed below request that you join the bipartisan opposition to H.R. 577 and S. 645. These two related bills attack the associational freedoms of all Americans.

FSC is a varied alliance of nonprofit organizations and the for-profit firms which assist them which are particularly concerned with the preservation of the rights of nonprofit advocacy organizations. This diverse alliance was founded in 1993 to defend the freedom of Americans to participate fully in the formation of public policy in this country without undue governmental interference and restriction.

H.R. 577 and S. 645 would compel the identification of persons who financially support certain nonprofit organizations — in this instance, organizations involved in the establishment of a **Presidential library**. Since these bills were introduced, amendments have been offered to broaden the scope of this statute to cover a wide swath of nonprofit organizations. One amendment would expand the reach of the bill to require disclosure of donors to nonprofit organizations **controlled by or named for** Members of Congress. There has been talk on the Hill that additional amendments may be introduced which would require disclosure of donors to any nonprofit organization that **has a connection** with a Member of Congress, defined to include the common practice of signing fundraising letters. This amendment would reach nonprofits that have named a building for a Member, endowed chairs named for a Member or asked a Member to serve as honorary chairman. This bill puts Congress on a slippery slope — donors to Presidential libraries, organizations controlled by Members of Congress, organizations connected with Members of Congress — what is next?

FSC submits that recent events and allegations offer no justification whatsoever for any legislative efforts to undermine the **foundational American freedoms**.

Our opposition to H.R. 577 and S. 645 arises from the chilling effect which these bills would have on speech and association rights protected by the First Amendment. The First Amendment guarantees Americans' right to express political views without governmental interference, reprisal, or retaliation. It also guarantees to individuals the right to express any belief — and to be free from the forced acknowledgment or confession of any belief which that individual opposes. *See Cantwell v. Connecticut*, 310 U.S. 296 (1940), *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943). The First Amendment prohibits the federal government from restricting anonymous speech, because anonymous speech may be the only means whereby minority and unpopular views can gain access to the marketplace of ideas.

Anonymity protects the speaker from retaliation and reprisal. See McIntyre v. Ohio Elections Comm'n., 514 U.S. 334 (1995). Compelling the disclosure of the names of donors to nonprofits causes Americans not to give for fear of reprisal by powerful interests.

The Supreme Court has also recognized that a point of view can be more effectively supported when spoken by and through a group. Thus, the First Amendment's prohibition against Congressional abridgment of the freedom of speech includes a prohibition against abridgement of the freedom to speak through an association or organization (usually a nonprofit). The importance of this protection is evident from U.S. Supreme Court decisions which consistently struck down laws compelling disclosure of the names of an organization's members. See NAACP v. Alabama ex rel. Patterson, 357 U.S. 449 (1958); Bates v. Little Rock, 361 U.S. 516 (1960); Louisiana ex rel. Gremillion v. NAACP, 366 U.S. 293 (1961); Gibson v. Florida Legislative Comm., 372 U.S. 539 (1963); NAACP v. Alabama ex rel. Flowers, 377 U.S. 288 (1964).

The Free Speech Coalition, joined by many other nonprofit organizations and for-profit companies, urges you to defend the important Constitutional rights of nonprofit organizations by actively opposing these two dangerous, unconstitutional bills. For further information, please call Richard B. Dingman or William J. Olson at (703) 356-6912.

Sincerely yours,

Free Speech Coalition  
 American Civil Liberties Union  
 Bruce W. Eberle & Associates  
 Coalitions for America  
 60 Plus Association  
 RealCampaignReform.org  
 The Richard Norman Company  
 American Conservative Union  
 Council of Volunteer Americans  
 Policy Analysis Center  
 Citizens for a Sound Economy Foundation  
 Council for Citizens Against Government Waste  
 NRA Institute for Legislative Affairs  
 James Madison Center for Free Speech  
 Conservative Legal Defense and Education Fund  
 Free Speech Defense & Education Fund  
 Abraham Lincoln Foundation

The Lincoln Institute  
 Miracle Flights for Kids  
 Fund Raising Strategies  
 Citizens for a Sound Economy  
 U.S. Border Control  
 Citizens United  
 Squire & Heartfield Direct, Inc.  
 American Target Advertising  
 Gun Owners of America  
 Public Advocate of the United States  
 Free Congress Foundation  
 English First  
 Young America's Foundation  
 Stephen Winchell & Associates  
 Christian Coalition of America  
 American Liberty Foundation