

Key Vote Alert

September 21, 2022

To the Members of the United States Senate:

The U.S. Chamber of Commerce strongly opposes any attempt to approve the “Democracy Is Strengthened by Casting Light On Spending in Elections (DISCLOSE) Act.” **The Chamber will include votes on this legislation in our *How They Voted* congressional scorecard.**

The Senate should reject this legislation because it would violate critically important First Amendment free speech protections. The DISCLOSE Act is designed to effectively exempt labor unions from its reach while chilling the political speech of the business community and others engaged in the political process. The DISCLOSE Act is blatantly political and ultimately unconstitutional legislation that detracts from much more significant efforts to solve challenges confronting America.

Political speech is protected by the First Amendment, a right the Supreme Court recognized in the Citizens United decision and in several earlier decisions. In addition, First Amendment rights are at their height when the speaker is addressing matters of public policy, politics, and governance. The Court has repeatedly recognized the importance of speech during campaigns for political office, and that voluntary associations are vital participants in the public debate. Any government attempts to curb participation in associations to stifle their voice in the public debate violate the First Amendment.

The bill’s manifest purpose is to impose exceptional burdens on the speech of corporations, the business community, and other interests disfavored by the bill’s drafters. While the bill purports to be even-handed in its treatment of labor unions, corporations, and business associations, the reality is far different, and the bill would place significantly more burdens on only businesses.

This legislation is designed to unconstitutionally encourage retaliation against certain speakers who have unpopular or unfavorable political views by requiring groups to disclose the names and addresses of their donors. The First Amendment does not permit the government to require membership disclosure under such circumstances. It is abundantly clear that this bill’s supporters are seeking disclosure as a means to accomplish just that sort of impermissible retaliation against speakers with whom they disagree.

The clear purpose of the DISCLOSE Act is to upend irretrievably core First Amendment political speech protections. These rights are too important to the foundation of American democracy to be infringed. The Chamber strongly urges you to oppose this bill

Sincerely,



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