

Jay Timmons

Executive Vice President

July 26, 2010

U.S. Senate
Washington, DC 20510

Dear Senators:

The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose S. 3628, the Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act.

Put simply, this bill threatens First Amendment freedoms and is a direct assault on the U.S. Constitution. Its purpose is to hinder the ability of organizations, including associations such as the NAM, to give a voice to their members' views and priorities. The U.S. Supreme Court repeatedly has recognized that voluntary associations are key participants in the public debate, and that government's attempts to curb participation in associations in order to stifle their voice in the public debate violate the First Amendment. There need be no further discussion on whether First Amendment freedoms should apply to some and not to others.

The DISCLOSE Act would curb the First Amendment rights of many companies that regularly participate in contracts with the federal government or have limited foreign ownership or control. We believe its onerous disclosure provisions could easily be used to create "political enemies" lists or to promote boycotts – all aimed at chilling companies' legitimate advocacy activities. It is unconscionable that these same restrictions do not apply equally to unions representing government workers or unions with foreign members or directors.

It is unfortunate that the "deal" made in the House of Representatives to exclude large 501(c)4 organizations continues in the Senate bill. This special deal is a virtual earmark that would exempt specially chosen interest organizations and exclude others. It was negotiated without the transparency the bill purports to champion and is the epitome of what Americans believe is wrong with politics today.

Our nation benefits when America's job creators exercise their First Amendment rights and speak out about public policies that impact economic growth and U.S. job creation, and about political candidates' views on those and other important subjects. The DISCLOSE Act would take away those rights by imposing harmful restrictions on corporations, associations, government contractors, American firms with very limited foreign ownership and U.S. subsidiaries.

The NAM's Key Vote Advisory Committee has indicated that all votes related to the DISCLOSE Act, including votes on procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress.

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Thank you for your consideration of protecting First Amendment freedoms that have been affirmed by the Supreme Court of the United States.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Timmons". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail that loops back under the name.

Jay Timmons