

Conservative Action Project

The Conservative Action Project, founded by former **Attorney General Edwin Meese** and chaired by **The Honorable Becky Norton Dunlop**, is designed to facilitate conservative leaders working together on behalf of common goals. Participants include the CEO's of over 100 organizations representing all major elements of the conservative movement-economic, social and national security.

Memo for the Movement

STOP THE MOMENTUM FORCING DONOR DISCLOSURE

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Washington, DC

It's no secret conservative organizations and their supporters are under attack. The Left is orchestrating an effort to harass and intimidate people who support conservative causes, a persecuted class. Part of their attack forces organizations like yours to report the names and addresses of your donors to the government, and then exposing those names and addresses on government websites for anyone to see.

What the IRS could not accomplish by targeting conservative groups, left-leaning groups are increasingly pressuring state legislatures and state attorneys general to do. When they can't get lawmakers to force donor disclosure, they go straight to voters with misleading and deceptive ballot initiatives, such as "anti-corruption" initiatives to promote "transparency", like those proposed right now in Arizona, Arkansas, California, South Dakota, and at the city level. That's just the beginning. Go to www.Represent.us (a so-called "anti-corruption" project run by Progressives) to see if your state is among their many targets.

As a persecuted class, conservatives are bullied to either conform or suffer retribution, such as public shaming or having their customer base antagonized. If you're outted for donating to what some would consider the "wrong side" of an issue, you may get fired, as we saw with Brendan Eich of Mozilla. Or you may have your door bashed in with a battering ram in the middle of the night, as we know happened to folks associated with the Club for Growth in Wisconsin, the infamous "John Doe" cases.

This well-coordinated, well-funded effort to require conservative nonprofits like yours to divulge the names and addresses of your donors is all part of a plan to choke off our air supply of funding. One group bluntly told the New York Times they "planned to confront donors to conservative groups, hoping to create a chilling effect that will dry up contributions" by exposing donors to "legal trouble, public exposure and watchdog groups digging through their lives."

What's worse is that the Left has turned the transparency concept on its head to dupe conservative legislators and well-meaning TEA Party groups to help advance their initiatives. In many cases, Republican state lawmakers are proposing these disclosure measures. In 2014, Tallahassee voters adopted a city-level initiative that could force donor disclosure, co-sponsored by the local tea party group. Let's be perfectly clear: transparency is for government; privacy is for people, not vice versa! All of us will do well to understand this fundamental difference.

This is an affront to the deeply held values that are enshrined in the First Amendment. Every American has the right to support causes they believe in. To keep that right a reality, we must protect individual privacy. We must protect people's ability to come together, to freely associate, in support of each other. We must protect the resources they need to make their voices heard.

That's why we must pay more attention to this growing effort in the states to "ban dark money." Dark money is a pejorative term for private giving and it was coined by a left-leaning organization after the Citizen's United decision. But we need to stop and think about this term before we continue to use it ourselves.

Calling private donations "dark money" is like saying your right to a private ballot is "dark voting." Just as the right to pull the curtain closed behind us as we vote for our chosen candidates is sacrosanct, so too is our right to support charities and interest groups without the government standing over our shoulder and sharing the information with the wider world.

Trends in the states:

We face a wave of state legislation to force disclosure, state regulators taking unilateral action to force disclosure, and ballot measures to force disclosure.

In at least six states in 2015, state lawmakers considered bills written so broadly and vaguely that everyday activities of 501c3 groups, like communicating with your supporters about proposed laws that impact our missions, would have been reclassified as "electioneering communications" and the groups re-termed "political committees" and therefore subject to donor disclosure requirements that are meant for candidate campaign committees. We expect to see even more proposed laws in 2016. Right now, we know forced donor disclosure laws have already been introduced or will be in Minnesota, Missouri, New Mexico, Pennsylvania, Tennessee, and Washington.

We also saw several "ethics" bills aimed at rooting out corruption among state officials, but instead of shining a light where it matters—on the elected officials themselves—the focus becomes forcing private organization with a perspective on policy issues to report the names and addresses of their supporters to the government. These bills were introduced in at least South Carolina and Texas.

There is also ample evidence of efforts to redefine "coordination." In the campaign finance context, coordination means a nonprofit group can't join up with a candidate campaign to try to skirt campaign contribution disclosure laws. But now the push is to broaden this definition to prevent two private organizations that share a mission from working together to advance an idea. In other words, they want to use the law to prevent center-right groups from sharing information and resources, from freely associating.

Another disturbing trend is that some state regulators are going rogue. Already in more than a dozen states non-profits can be forced to hand over their list of top supporters before they can even do business in the state. The problem with this is that once a document is given to a state agency, it becomes subject to public records law. For example, if a group like yours was forced to turn over its supporter list to the State of New York in order to fundraise there, and a left-leaning group wanted to get that list, they could send a public records request to the state

attorney general who regulates charities, and there is no mechanism in state law to decline the request. This is a backdoor way to expose your donors.

We're also witnessing state ethics commissions and campaign finance regulators unilaterally deciding certain groups must reveal their donors before they can testify at the state legislature or do other activities protected by the First Amendment.

Help stop the momentum forcing donor disclosure. Please take action now and alert your members and supporters by explaining what real transparency means (transparency is for government; privacy is for people) and how the Left is threatening their privacy, and the movement to protect liberty. Make no mistake about your role: we are now the movement not just of free markets, but of free speech as well.

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