



FROM THE DESK OF
DUDLEY BROWN
EXECUTIVE DIRECTOR

LEGAL DEFENSE FOR
AMERICA'S GUN OWNERS

April 13, 2022

House Speaker Cameron Sexton
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Lt. Governor Randy McNally
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Dear Mr. Speaker, Lt. Governor McNally, and Members of the General Assembly,

It has come to our attention that the Tennessee General Assembly is considering legislation (HB1201 and SB1005) which would flagrantly violate the constitutional rights of those who dare to speak to the public and associate with each other regarding their country's and Tennessee's pressing political challenges.

I urge the Tennessee General Assembly to reject any bill containing language requiring organizations that are tax exempt under United States Internal Revenue Service Code § 501(c)(4) to disclose their donors. This requirement would defy the Supreme Court of the United States' precedent rejecting unnecessary, invasive, vague, overbroad, and burdensome political disclosure requirements that unlawfully chill First Amendment freedoms of speech and association.

Under this proposed legislation, a communication must simply mention or use the likeness of a candidate for office within 60 days of an election and spend an aggregate total of at least \$5,000 on such communications, in order to subject the sending non-profit to burdensome regulation, including invasive donor disclosure requirements. This defies both Supreme Court precedent – including the Court's ruling in *Americans for Prosperity v. Bonta*, 594 US __ (2021) just last year – and the most basic principles of representative government.

While unconstitutionally burdening the associational rights of Tennesseans, this language is not narrowly tailored to achieve any valid state interest. It blatantly ignores

the guiding precedent of *Buckley v. Valeo*, 424 U.S. 1 (1974), in so far as it broadly deems non-election-related speech as election-influencing expenditures subject to reporting.

These vague standards eliminate any pretense that the law is actually aimed at electioneering. Instead, the proposed legislation seeks to broadly regulate any well-funded expression of speech in a manner indifferent to its content. In sum, even the most inconsequential communications about any issue, if they so much as mention a candidate and meet the expenditure threshold, could subject the authoring group to burdensome and intrusive regulation, including the disclosure of its donors.

The direct result would be the suppression of Tennesseans' free speech and healthy engagement in the political process – precisely what the Founders designed the First Amendment to protect.

In today's "cancel culture" society, the threatened exposure of ordinary citizens to harassment and attacks for their perceived political beliefs on sensitive issues cannot be seen as anything other than an intentional attempt to suppress political and cultural dissenters – the lifeblood of a healthy, free society.

As the President of the National Association for Gun Rights and its legal wing, the National Foundation for Gun Rights, I urge you to refrain from passing any bill containing this language. Should HB1201 or SB1005, as currently amended, (or any legislative equivalent) become law, the National Foundation for Gun Rights will explore all legal options to protect the Constitutional rights of the citizens of Tennessee.

Regards,

A handwritten signature in blue ink, appearing to read "Dudley Brown".

Dudley Brown
President
National Association for Gun Rights
National Foundation for Gun Rights