



U.S. Chamber of Commerce  
Litigation Center

April 2, 2026

Carolyn A. Dubay  
Secretary, Committee on Rules of Practice and Procedure  
Administrative Office of the United States Courts  
One Columbus Circle, NE, Room 7-300  
Washington, DC 20544

Re: Amendments to Federal Rule of Appellate Procedure 29

Dear Ms. Dubay:

On behalf of the Chamber of Commerce of the United States of America (“Chamber”), I write to urge the Advisory Committee on Appellate Rules (“Committee”) to preserve the privacy and First Amendment interests of amicus organizations and their members as the Committee reconsiders amendments to Rule 29 of the Federal Rules of Appellate Procedure. The Chamber supports the proposed revisions set forth by Professor Stephen Sachs in his March 25, 2026 memorandum to the Committee. Those revisions would retain the approach of the current rules, which provide that an amicus organization need not disclose the contributions of its members to an amicus brief when members are not a party to the case. *See* Fed. R. App. P. 29(a)(4)(E)(ii)–(iii).

The Chamber agrees with the concerns of the Executive Committee of the Judicial Conference that requiring disclosure of member contributions to an amicus brief “could interfere with the privacy of those organizations and of their members, who may be chilled from contributing to their organization’s amicus briefs if they were required to announce their membership to the public.” Letter from Hon. James C. Dever III and Hon. Allison E. Eid to Scott S. Harris (March 10, 2026), at 1. Those concerns reflect a bedrock First Amendment principle: there is a “vital relationship between [the] freedom to associate and privacy in one’s associations,” and compelled disclosure of an association’s members “inevitably exerts a deterrent effect on the exercise of First Amendment rights.” *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595, 606 (2021).

The proposed amendment, which the Committee recently withdrew, would have significantly narrowed the longstanding member exclusion by requiring an organization to disclose contributions from members who joined the organization within the past twelve months and contributed more than \$100 toward a particular brief. *See* Sachs Memorandum to the Advisory Committee on Appellate Rules (March 25, 2026), at 1–2.

But First Amendment associational rights do not turn on how an organization finances its activities or when a member chooses to join. Organizations that collect supplemental member contributions to budget for an amicus brief have every right to be heard on an equal basis as those that do not. Likewise, the First Amendment affirmatively encourages the public to privately associate for purposes of collective expression, regardless of whether those associations span decades or are newly formed. Absent a member's participation in a case *as a party*, there is no threat that a member's contribution to an amicus brief would serve an improper purpose. As it stands, Rule 29 already addresses that concern without drawing arbitrary distinctions that intrude on the privacy of the relationships between organizations and their members.

For these reasons, and in line with the Committee's decision to withdraw the proposed amendments, the Chamber respectfully urges the Committee to preserve Rule 29's existing member exclusion. The Chamber appreciates the careful and deliberate manner in which the Committee has approached this issue and is grateful for the opportunity to comment on the Committee's important work. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Tara Morrissey', is centered below the salutation.

Tara Morrissey  
Senior Vice President and Deputy Chief  
Counsel  
U.S. Chamber Litigation Center