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## **Campaign-finance McCarthyism**

**By Bradley A. Smith**

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As the 2012 campaign heats up, it seems like everywhere we hear warnings of “shadowy groups” pumping millions into campaigns, “and nobody knows where that money is coming from.”

The hyperbole from campaign finance reformers is that the public will never know who funds [political advocacy](#), which they blame on the Supreme Court’s 2010 decision in *Citizens United v. Federal Election Commission*. In short, get ready, America, for a new version of the Old West, where lawlessness reigns and those willing to draw first write the rules.

Whoa. Time for a few facts. First, *Citizens United* did not change disclosure laws. It allowed corporations, unions and non-profit organizations such as the U.S. Chamber of Commerce and the Sierra Club to spend money to support political candidates, but they are subject to the same disclosure rules that have long applied to wealthy individuals and partnerships. In fact, every broadcast political ad in the United States includes, within the ad, information on who paid for it. Furthermore, every federal political action committee reports all of its expenditures, and all of its donors of \$200 or more, to the Federal Election Commission [on a regular basis](#), and the information is available to the public at [www.fec.gov](http://www.fec.gov). Similarly, every individual union, corporation or person who spends money on political ads in federal races must report those expenditures to the FEC as well.

What then, is going on? Where does all this talk about “shadowy groups” come from? The answer is this: When an organization that is not a political action committee spends money on politics, it has to report its expenditures to the FEC, but it does not have to reveal who gave it money. So when you see an ad paid for by the NAACP, the National Rifle Association, Planned Parenthood or the Sierra Club, those organizations do not have to report the list of members and contributors who gave them the money they spent, unless those contributors specifically gave to fund that advertising. But that doesn’t make these groups “shadowy.” Does anybody not know what the NRA or the Sierra Club stand for, or lack the ability to quickly find out?

Of course [some organizations](#) are less well known to the public, such as American

Crossroads. But anyone who reads the papers knows that American Crossroads was founded by former Bush advisor Karl Rove and former Republican National Chairman Ed Gillespie to help elect pro-business candidates. Or, if you want to know the group's agenda and activities, you can just go to its website, at [www.americancrossroads.org](http://www.americancrossroads.org). How “shadowy” is that?

The Supreme Court has long held that such organizations do not have to reveal their membership lists to the government. The Court has long understood that people have a First Amendment right to associate with one another, and it is simply not the government's business to know with whom law-abiding citizens are meeting or collaborating. A good thing, too — in the 1950s and 1960s, for example, Southern states regularly sought to force the NAACP to disclose its donor and member lists, knowing that the NAACP's supporters would be harassed if their names were made public.

The reason we have disclosure of campaign contributors is so that people can know who stands behind a candidate and thereby spot potential conflicts of interest for that candidate, and evaluate the credibility of the speaker and hence the message. When Right to Life or the U.S. Chamber of Commerce or the NAACP spends money on political ads, people know the agenda and can evaluate the message and conflicts of interest.

In fact, those now clamoring for still more “disclosure” — lists of members and financial supporters of such non-profits — don't seek the information so that they can better evaluate the truth of the message. They've already decided they hate the message and disagree with it. They seek to know more about the members and supporters of these groups precisely so that they can harass, threaten, bully and vandalize them, in order to silence the message. As Candace Nichols of the Las Vegas Gay and Lesbian Community Center put it, after helping to organize boycotts and protests that forced many businesses to fire employees who had contributed to the “wrong side” of a political issue, she liked the state's political disclosure laws because, “Years ago we would never have been able to get a blacklist that fast and quickly.” Apparently Joe McCarthy is back in style.

What we have here, then, dressed up in the mantel of “good government” and “mere disclosure” is a false hysteria about “shadowy groups,” whipped up by people whose agenda is, quite simply, to silence their political opposition. If there's any line that should raise your suspicions more quickly than “I'm from the government and I'm here to help you,” it ought to be “I'm for good government and I'm here to help you.”

*Brad Smith is the founder of the Center for Competitive Politics.*