



Written by [Raven Clabough](#) on June 25, 2010

## Free Speech Undermined by Passage of DISCLOSE Act

To the dismay of free-speech advocates across the nation, the House of Representatives passed the DISCLOSE Act (Democracy Is Strengthened by Casting Light On Spending in Elections Act) yesterday evening by a vote of 219-206.

Heavy opposition from liberal and conservative organizations, as well as an influx of calls from concerned citizens, made the vote much closer than originally expected. While the vote was relatively partisan, some politicians deviated from their Party. Republicans Mike Castle and Joseph Cao voted in favor of the bill, while 36 Democrats voted against it.



The DISCLOSE Act is a campaign finance bill that requires groups that run political advertisements to disclose their top donors. It also bans companies with government contracts worth more than \$10 million from funding political advertisements. Likewise, it bars corporations that have received federal bailout money from financing political ads, as well as those with more than 20-percent foreign ownership.

The bill was written in response to the January *Citizens United* Supreme Court ruling, which arguably made it permissible for large groups to provide an unlimited amount of spending to political campaigns after the McCain-Feingold legislation took away that right. Democratic Representative Chris Van Hollen was the leading writer for the DISCLOSE ACT and defends the bill's necessity by arguing that in its passage, "the voice of citizens is not drowned out by secret spending."

Proponents of the bill assert that it will help to rein in political control at the hands of lobbyists and special interest groups, but with exemptions made for large powerful groups like the National Rifle Association and labor unions, it seems unlikely that the bill would achieve that stated goal.

In fact, prior to a deal struck between the NRA and Congress whereby the NRA agreed not to fight the legislation if it were exempted from the legislation, it seemed as if the act was doomed.

House Minority Leader Republican John Boehner remarked that by crafting the bill, the Democrats intended to "help their friends, while silencing their political opponents."

A last-minute provision was inserted into the bill prior to its passage at the insistence of Ohio Representative Dennis Kucinich that singles out British Petroleum and other oil companies with federal leases allowing them to drill in the Outer Continental Shelf, barring them from unlimited spending as well.

The DISCLOSE Act faced harsh criticism from both the Right and Left for violating First Amendment rights, favoring large organizations by way of exemption, and "protecting incumbent Democratic politicians," said Republican Senator Mitch McConnell. The bill's opponents say it clearly interferes with First Amendment rights because the special-interest groups that are barred from campaign



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activities really represent groups of individuals, and those individuals' wishes. Those groups are not allowed to influence the outcome of elections, but certain exempted groups and large news outlets with a bias can push their agendas.

Critics like the National Association for Gun Rights, Campaign for Liberty, and the Congressional Black Caucus are hopeful that the bill will be opposed by the Senate and are encouraging concerned citizens to phone their Senators and express their opposition.

While lawmakers had hoped the bill would be signed into law before the July 4 break, no vote has been scheduled for the Senate as of yet.

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