

from an expert in the field:



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THE U.S. CONSTITUTION states that Congress shall "make no law ... abridging the freedom of speech" for a reason. Members of Congress are tempted to silence those who criticize their performance. They are the last people who should have the power to decide which speech should be heard and which banned. The First Amendment makes sure voters can hear the case against the political status quo.

Until recently, Congress prohibited electoral speech by disfavored speakers: businesses, labor unions and many advocacy groups. Earlier this year, the U.S. Supreme Court properly concluded that this speech ban violated the First Amendment. Some in Congress responded with the DISCLOSE Act.

The bill compels extensive disclosure of the sponsors of political advertising. Such disclosure encourages voters to judge a candidate more on his or her sponsors than on the candidate's platform and personal qualifications. Disclosure discourages free speech by putting sponsoring individuals, businesses and other organizations at risk of being picketed, boycotted and otherwise harassed because of their political patronage. Clearly, one cannot truly respect free speech while supporting controls on its funding.

Current laws prohibit campaign spending by foreign nationals. The DISCLOSE Act extends that prohibition to any business with minimal participation by foreigners. Congress is appealing to anti-foreign bias, but companies represent shareholders, not foreign nations. The ban on foreigners is not apt.

DISCLOSE also prohibits speech by government contractors. Proponents of the act say businesses will obtain government contracts by funding favorable campaign advertising for candidates who have the power to award such largesse. This corrupt exchange requires a business to coordinate an ad with a candidate's campaign. Such deal-making is already illegal, and we have little evidence the laws are not being enforced. DISCLOSE supporters also argue that members of Congress will require businesses to fund campaign ads if those businesses want to obtain contracts. This is extortion, and here again the law already prohibits this abuse of power.

Critical thinking by voters, not more restrictions by government, is the solution to what ails our democracy. [E]