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MONEY & POLITICS: Despite Court Win After Citizens United, SpeechNow.Org Yet to Capitalize

By Josh Israel and Aaron Mehta | September 07, 2010, 12:57 pm

Last week, a Houston-based group called Texas Tea Party Patriots PAC, alerted the Federal Election Commission that it intends to raise unlimited sums of money, without following any contribution size limits.

The notification wasn't just a courtesy, however. These tea-partying Texans and 22 other committees are lining up to take advantage of a new opening in campaign finance law.

But one organization that has not yet notified the FEC is SpeechNow.org, the group that successfully raised a legal challenge to previous contribution limitations on independent expenditure committees.

In 2007, SpeechNow.org, which calls itself an "independent speech organization," asked the FEC for an advisory opinion on whether its organizers could pool their funds into one bank account to run expenditure advertisements for and against political candidates. The FEC, in an early 2008 response, advised the group that such activity would fall under the definition of a political committee and would require them to abide by the same contribution limits as groups giving money directly to candidates — a maximum of \$5,000 per donor, annually.

SpeechNow.org sued the FEC and, in the aftermath of the Supreme Court's Citizens United ruling, prevailed at the U.S. Court of Appeals for the District of Columbia. In a March 2010 ruling, that court said SpeechNow.org could raise unlimited sums of money, so long as it did not contribute directly to or coordinate its activities with any political candidates or party committees.

Following its judicial defeat, the FEC issued a new advisory opinion on July 22 acknowledging that a political committee could indeed "raise funds in unlimited amounts" so long as none of that money is used for direct contributions of any kind to federal candidates or committees, and provided that the committee file a letter with the agency saying that it plans to take advantage of this new option.

The groups that have so far notified the FEC include two committees affiliated with large environmental groups, one tied to Planned Parenthood of California, and one linked to the Club for Growth, a political group famous for supporting fiscally conservative candidates in both general elections and in Republican primaries. Also on the list: the Karl Rove-backed American Crossroads, expected to be a major player in the mid-term elections this fall, and a group connected to the American Dental Association, which represents more than 150,000 dental professionals and students.

During its legal battle, SpeechNow.org told the courts that it planned to fund raise and make independent expenditures in the 2010 election cycle, assuming it won the right to bypass fundraising limits. But more than five

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months since its court victory, the group has yet to register any form of committee with the FEC.

David Keating, a founder of SpeechNow.org and the executive director of Club for Growth, told the Center for Public Integrity that SpeechNow.org does indeed plan to register and be active in this year's elections. "We're gonna be on the list soon. We have to get money and do the filing." He noted that his group has yet to raise any cash and still needs to establish a bank account. But, Keating said, SpeechNow.org "definitely will" be up and running and active before the November mid-term election.

Another First Amendment activist who helped found SpeechNow.org is Edward Crane, president of the libertarian Cato Institute.

The following is a list of groups that have notified the FEC so far:

- American Crossroads (Washington, D.C.)
- American Dental Association PAC Independent Expenditures Committee (Washington, D.C.)
- Americans for New Leadership (Las Vegas, Nev.)
- America's Families First Action Fund (Washington, D.C.)
- Arizonans Working Together (Scottsdale, Ariz.)
- Californians for Fiscally Conservative Leadership (Coarsegold, Calif.)
- Citizens for Strength and Security PAC (Washington, D.C.)
- Club for Growth Action (Washington, D.C.)
- Commonsense Ten (Washington, D.C.)
- Communications Workers of America Working Voices (Washington, D.C.)
- Concerned Taxpayers of America (Washington, D.C.)
- Conservatives for Truth (Jackson, Tenn.)
- First Amendment Alliance (Alexandria, Va.)
- Florida Is Not For Sale (Coral Gables, Fla.)
- Headquarters Committee of West Hollywood/Beverly Hills & Stonewall Democratic Clubs & Stonewall Young Democrats, Ltd. (Burbank, Calif.)
- League of Conservation Voters Victory Fund (Washington, D.C.)
- Louisiana Truth PAC (New Orleans, La.)
- Majority Action PAC (Washington, D.C.)
- New Prosperity Foundation (Chicago, Ill.)
- People's Majority (Alexandria, Va.)
- Protecting Choice In California 2010, a project of Planned Parenthood Affiliates of California (Sacramento, Calif.)
- Sierra Club Independent Action (San Francisco, Calif.)
- Texas Tea Party Patriots PAC (The Woodlands, Texas)

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