

Committee Helps Restore First Amendment Rights

Supreme Court Largely Overturns Phony Campaign 'Reform' Law

Nearly eight years ago, a coalition of voluntary associations, including the National Right to Work Committee, launched a legal effort to get key anti-free speech provisions in the so-called Bipartisan Campaign Reform Act of 2002 (or BCRA) overturned in court.

In December 2003, the efforts of this free-speech coalition seemed to fail, when a bitterly divided U.S. Supreme Court upheld the BCRA's onerous restrictions on election-year lobbying of Congress in its 5-4 *McConnell v. Federal Election Commission* decision.

However, free-speech advocates, including the Committee, didn't give up.

They kept fighting, and ultimately they persuaded the High Court to hear *Citizens United v. Federal Election Commission*, another sweeping challenge of the BCRA. The Committee itself submitted a brief in support of this suit.

And on January 21, the High Court voted 5-4 in *Citizens United* to reverse *McConnell* on key points, finally holding that Congress cannot constitutionally pick and choose who may speak about political candidates and issues, and who must be silent.

The majority opinion also dealt a stern rebuke to the bureaucrats at the Federal Election Commission (FEC), who for decades have contended that single-issue lobbying groups like the Committee are prohibited from spending their voluntary contributions on an array of public communications.

Committee May Now Speak Independently About Issues, Without Fear of Prosecution

For example, FEC bureaucrats have contended, time and again, that it is illegal for the Committee to use organizational funds to pay for the public dissemination of candidate survey responses revealing which candidates pledge to support Right to Work 100% if elected, and which are keeping their plans secret.

The *Citizens United* ruling clearly affirms the Committee's long-held position that the FEC has acted unconstitutionally when attempting to restrict speech in this way.

The BCRA's selective assault on the First Amendment protections of associations almost completely ignored

Big Labor expenditures of union dues money that workers are forced to pay as a job condition on campaign phone banks, get-out-the-vote drives, and paid "volunteers."

The vast majority of union political spending goes into such programs. They are plainly designed to elect Big Labor puppet politicians and defeat politicians who refuse to kowtow to union bosses. Yet forced dues-funded electioneering schemes have remained virtually unregulated under the BCRA.

"From the time it took effect until *Citizens United* overturned some of its core provisions, the BCRA tilted the electoral playing field even further in favor of the union bosses," commented Committee Vice President Doug Stafford.

"Broadcast ads that had been bought by citizens' groups with their own money to lobby politicians when they listen best, during campaign season, were redesignated as 'campaign contributions' and subjected to tight regulation.

"But the hard-won *Citizens United* decision will greatly enhance the Committee's ability to speak independently about issues, without fear of prosecution.

"This decision even makes it clear, for the first time, that the Committee may use its funds to pay for

communications that expressly advocate the election of a pro-Right to Work candidate and or the defeat of a pro-forced unionism candidate!"

Compulsory-Dues Repeal Key to Genuine Reform

Many Big Labor politicians, led by President Barack Obama, have already lashed out publicly at the *Citizens United* ruling. Mr. Obama and likeminded politicians appreciated how the BCRA curtailed the freedom of pro-Right to Work Americans, and were very annoyed to see the Supreme Court interfere.

Other BCRA advocates like Sen. John McCain (R-Ariz.), one of the law's two lead sponsors in the Senate, are simply misguided.

"If Congress ever genuinely wants to clean up federal politics, it can start by repealing the federal labor-law provisions authorizing forced union dues: the root cause of the largest and most egregious form of political corruption plaguing America today," said Mr. Stafford.

"But the BCRA's fraudulent 'reform' only made matters worse. Thank God the Supreme Court has now undone most of the damage." 📣



CREDIT: TV WEEK

A U.S. Supreme Court decision last month restored associations' freedom to speak independently about candidates

and issues, using general funds, without fear of prosecution. Big Labor politicians like President Obama were outraged.