

## Statement of Senator Cornyn

### **Senate Judiciary Subcommittee on Crime and Terrorism Hearing “*Current Issues in Campaign Finance Law Enforcement*” (April 9, 2013)**

In theory, today’s hearing examines the enforcement of existing campaign finance laws. In fact, it lays the groundwork for yet another attempt to undermine the Constitution’s guarantees of free speech and assembly and limit involvement in the political process.

The Justice Department insists that “recent changes in our campaign finance laws have made it more difficult for us to combat the ability of individuals and entities to ‘buy influence’ over elections and conceal their conduct.”<sup>1</sup> It offers no evidence of newfound illegality, merely insinuation; and it condemns conduct that is, right now, completely legal. The Department then advocates for authority to prosecute that legal conduct, which happens to involve the exercise of political speech and assembly rights. There is perhaps nothing more frightening in a democratic society than the government identifying legal political activity that it does not like and seeking to make it illegal.

The Democratic Party is trying once again to build support for the DISCLOSE Act – and this hearing is part of that effort. Transparency and the disclosure are laudable goals, but advocates of the DISCLOSE Act seek a legal regime that will undermine the First Amendment, chilling speech and association. The bill would gerrymander election law to favor the majority party and put the Administration in a position to identify – and silence – those with which it disagrees. That is not good government, the point of most transparency efforts. And it will not help democracy. Prior attempts at campaign finance reform have led to unintended consequences and, sadly, our government has a bad history of abusing its authority to silence opposition.

Proponents of DISCLOSE claim that new restrictions on political speech and association are necessary because *Citizens United* and other court decisions led to a flood of “secret” money into elections. While no one disputes that increasing amounts of money are being spent on elections, the amount of money given by “secret” people or groups is a tiny fraction. And the increase is not the result of *Citizens United* or any other case. Their premises are false.

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<sup>1</sup> *Current Issues in Campaign Finance Law Enforcement: Hearing Before the Subcomm. on Crime and Terrorism of the S. Comm. on the Judiciary, 113<sup>th</sup> Cong.*, (statement of Mythili Raman, Acting Ass’t. Att’y Gen., Criminal Div., Dep’t of Justice, at 4).