

YOUR RIGHT TO SPEAK FREELY . . . OR NOT

Contributed by DallasBlog.com
Mon, Apr 17, 2006, 12:46 PM

On Wednesday, April 5, only four Texas congressmen stood up for your right to free speech. One of these congressmen, Jeb Hensarling, hails from the greater Dallas area. Sadly, the rest of our DFW-area congressmen—many of whom I otherwise respect and admire—failed to take this principled stand, voting along partisan lines.

Presumably, they acted at the dictates of that wholly unsatisfactory group of government-loving individuals that we Republicans call our House leadership.

The House on April 5 passed legislation that will (if passed by the Senate) limit the political contributions of individuals to so-called 527 groups. Allegedly, Republicans are seeking to control corruption in the political process. But let's not kid ourselves. The Republican House Leadership supported this bill for one reason and one reason only: 527s have done more to help Democrats than Republicans in recent election years.

This attempt by the Republican House to limit political speech follows somewhat quickly on the heels of another reprehensible piece of legislation: the so-called McCain-Feingold Campaign Finance Reform Act, which was enacted with the assistance of Republicans in 2002. McCain-Feingold masqueraded as "reform," but in reality, its primary effect was to restrict Americans' ability to make political statements with their donations. Most notably, the right of Americans to make certain donations to the national political parties was restricted, and the use of certain types of political ads was outlawed. Outrageously, the targets of this latter category were many ads that identify federal candidates by name, if aired in the weeks prior to an election.

But wait. Don't we most need information on federal candidates immediately prior to an election? Or maybe incumbents really don't want voters to have too much information before going to the polls—particularly about themselves.

Egregiously, the President signed the law, despite the fact that he had apparent misgivings about its constitutionality. Indeed, he had expressed these doubts during the 2000 presidential campaign, and he expressed them again when he signed the bill.

When the bill was enacted, Republicans were appropriately and roundly chastised by many in their conservative base. The cure for corruption is not less political speech. Less freedom to speak about those in power ultimately doesn't do anything but protect incumbents. The real cure for any corruption problem is more speech. Rather than enacting reams of punitive laws, Congress should deregulate the campaign finance system and replace it with simple, straightforward requirements of open, full, and immediate disclosure.

After McCain-Feingold was passed, this author maintained some small degree of hope that congressional Republicans would note the outrage that followed the bill and realize that it was a mistake. Unfortunately, the exact opposite situation has taken place. If Republicans had listened to the concerns of their base on McCain-Feingold, then they would now be seeking to reverse the damage done by the bill. Instead, the 527 vote on April 5 shows that they are intent on making matters worse.

In the good old days, conservative Republicans used to understand the importance of freedom of speech during political campaigns. They knew that the Founders considered political speech—of all speech—the most important type of speech to protect. Moreover, they understood that only when citizens can speak freely on political issues will elected officials be held to account. Now, it seems that most Republicans have abandoned this principle, voting for any restraint on speech that is perceived to undermine the campaigns of Democrats.

House Republican leaders have prioritized selfish political ambition above their oath to uphold the Constitution. They should be ashamed of themselves.

As Dallasites, let's make sure that we applaud the small handful of Republican congressmen who are swimming upstream against this trend. One of our very own, Jeb Hensarling, deserves to be applauded for voting on principle, rather than caving in to purely partisan considerations.