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More freedom, not regulation

By Mike Pence/Al Wynn

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The American people will not soon forget the Summer of 2004 in presidential politics. We like to call it the "Summer of 527s."

Organizations established under Section 527 of the Internal Revenue Code dominated the political debate with \$400 million dollars in advertisements funded by groups like MoveOn.org and the Swiftboat Veterans for Truth, while the nation's major political parties and most respected labor unions, constitutional organizations and advocacy groups seemed to stand off on the sidelines unable to compete. In fact, MoveOn.org raised and spent more money on its advertisements and grass-roots efforts than the entire National Republican Senatorial Committee budget.

In response to this glaring loophole in our new campaign finance law, some of our colleagues have proposed placing 527s under the hard dollar limits and spending requirements of the Bipartisan Campaign Reform Act (BCRA). The Pence/Wynn 527 Fairness Act (H.R. 1316) takes a different approach.

We believe the answer to inequities in the political economy of a free society is more freedom, not less. The 527 Fairness Act responds to the "Summer of 527s" not by restricting the rights of Americans to support the work of MoveOn.org or Swiftboat Veterans for Truth, but rather by making a few modest changes in our campaign finance laws that are carefully crafted to permit our political parties to compete on equal footing with the 527s.

Predictably, our modest effort has been met by forceful opposition by both the advocates of more regulation and their allies in the mainstream press. The Washington Post called Pence/Wynn "a dangerous notion," implying that we were seeking to abrogate the law on soft money in BCRA. The New York Times argued that Pence/Wynn had been put on a "fast track" and would "gut existing controls." Neither of these accusations bears a resemblance to the Pence/Wynn 527 Fairness Act. Given the histrionics being used by our opponents, we thought a few basic facts about Pence/Wynn would be in order.

Pence/Wynn does not regulate or limit 527s in any way.

Pence/Wynn does not lift the ban on soft money contributions to national political parties.

Pence/Wynn does not repeal the hard dollar limits on individual contributions to federal candidates.

Pence/Wynn does not repeal the hard dollar limits on individual contributions to national political parties.

All of the hard dollar limits and soft dollar prohibitions of BCRA are retained in Pence/Wynn.

Pence/Wynn does restore the original language of BCRA by permitting grass-roots organizations, labor unions and trade associations to do the same thing Section 527 groups

are allowed to do under current law.

Pence/Wynn does remove the aggregate limits on contributions to federal committees and parties, allowing Americans to contribute to political parties within current limits without the additional aggregate limits that Section 527s do not face.

Pence/Wynn also allows state and local parties to spend non-federal dollars for voter registration and sample ballots only if all candidates for federal office are included on the sample ballot.

No "dangerous notions"; no effort to "gut existing controls"; just a few modest changes in our newly minted campaign finance laws that will greatly enhance the ability of our nation's major political parties, respected labor unions and outside groups to compete in a political economy dominated by Section 527s.

It can be argued that allowing Section 527s to continue to organize and advertise alongside enhanced political parties and outside groups could make for some messy and unpredictable political years ahead. But, who ever said democracy was supposed to be a tidy business?

Pence/Wynn applies the only antidote a free people should ever administer to the inequities of politics -- more freedom. And if this makes our campaigns a little louder and a little rougher, so be it. As President Thomas Jefferson once said, "I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it." We agree and in that inconvenient spirit we humbly authored the 527 Fairness Act.

Mike Pence is a Republican member of the United States House of Representatives from Indiana and Al Wynn is a Democratic member from Maryland.

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