

American Federation of Labor and Congress of Industrial Organizations



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AFL-CIO LAWSUIT CHALLENGES SEVERAL ASPECTS OF NEW CAMPAIGN FINANCE STATUTE

WASHINGTON, April 22 -- The AFL-CIO today filed a complaint in federal court here challenging the constitutionality of several provisions of the new campaign finance statute signed into law last month.

The AFL-CIO strongly supports meaningful campaign finance reform, including banning or limiting soft money at the national party level, as well as other key parts of the new statute. But this law also unfairly and severely interferes with the ability of unions to communicate with the public and to advance working family interests in the U.S. Congress, said AFL-CIO President John J. Sweeney. Although other legal challenges to the new law are pending, the labor movement will now be able to advance our own claims and principles directly.

The lawsuit challenges three aspects of the new law, the Bipartisan Campaign Reform Act of 2002, under the First and Fifth Amendments to the Constitution. First, it contests provisions that will make it a crime for a labor organization to broadcast a communication that refers to a federal candidate, including incumbent lawmakers, in any manner within 60 days of a general election or 30 days of a primary or a convention. This provision, for example, could preclude all broadcast references to an incumbent president for as long as a year before a national election.

Second, the lawsuit challenges the provisions that redefine what kind of coordination of a union's public advocacy by the union on the one hand, and a candidate, including an incumbent officeholder or a political party on the other, might be considered an unlawful union contribution to that candidate or party. These provisions will impede the labor movement's efforts to work with legislators and engage in public issue advocacy.

Third, the lawsuit challenges provisions that compel unions and political committees to make advance public disclosures of possible public communications, broadcast and otherwise, that might refer to candidates or important issues. The AFL-CIO supports strong disclosure laws, but forced publication of the mere intention to speak later will exert chilling effects and impose unjustified burdens and costs.

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The AFL-CIO lawsuit does not contest significant portions of the new law, including its prohibitions and restrictions on soft money contributions to national, state and local parties, officeholders and candidates, and its extensive other new disclosure requirements.

During Congress's consideration of the legislation, the AFL-CIO and many of its affiliated unions pointed out that the broadcast ban, coordination and several other provisions are unconstitutional, unfair and fail to advance important campaign finance reform goals -- enabling ordinary citizens to make their voices heard in elections; eliminating unwarranted financial advantages in campaigns; and protecting constitutional freedoms to speak and participate in public life. The AFL-CIO continues to believe that full public financing of congressional elections -- missing entirely from the new statute -- must be the cornerstone of genuine and comprehensive campaign finance reform.

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