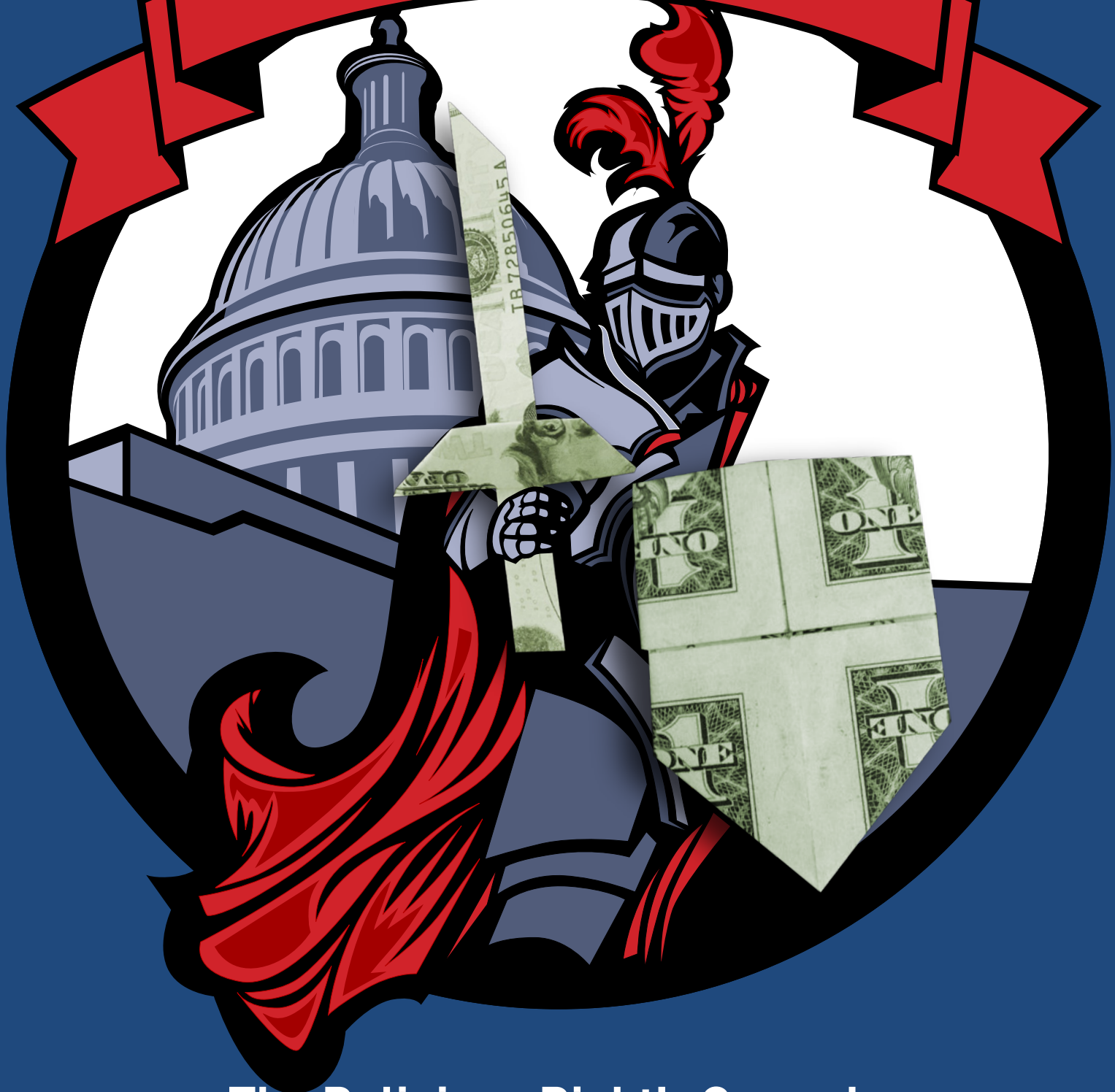


**UNLIMITED AND
UNDISCLOSED**



**The Religious Right's Crusade
to Deregulate Political Spending**

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ACKNOWLEDGMENTS

This report was written by Arn Pearson, with research by Geoff Andersen and contributions from Jay Riestenberg, Stephen Spaulding, Yael Bromberg and Randy Brett.

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Common Cause is one of the nation's oldest and largest nonpartisan citizen advocacy organizations, founded in 1970 by John Gardner. With offices in Washington, DC and 35 states, and 400,000 members and activists across the country, Common Cause is dedicated to restoring open, honest and accountable government that works for all Americans, not special interests. The Common Cause Education Fund supports Common Cause's work through research, litigation and public education.

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EXECUTIVE SUMMARY

Over the past decade, America has undergone a radical deregulation of political spending, with courts rolling back restrictions on corporate spending in place for nearly a century and dismantling the sweeping post-Watergate reforms enacted by Congress and the states in the 1970s. While this dramatic shift follows changes in the makeup of the U.S. Supreme Court, the litigation groundwork that made it possible was laid by large conservative Christian organizations under the legal leadership of James Bopp.

- The National Right to Life Committee, the Christian Coalition, the National Organization for Marriage, and Focus on the Family – along with numerous affiliated state organizations and individuals – have served as leading plaintiffs in the legal crusade against campaign finance reform over the past 20 years, filing more than 70 lawsuits challenging state, local and federal laws.
- The undisputed leader of that crusade is James Bopp, an attorney and special counsel for the Republican National Committee, operating out of his Indiana law firm and the James Madison Center for Free Speech.
- Bopp and the religious right groups fighting campaign reform are major political players, and have received substantial funding from the Republican Party. The Republican National Committee has paid Bopp more than \$2 million in legal fees since 2003, and the National Right to Life Committee received more than \$1 million from Republican committees in the 1990s, and more than \$4.8 million from Karl Rove's Crossroads GPS in the 2010 and 2012 election cycles.
- The religious right groups leading the charge against campaign reform have spent millions of dollars to support Republican candidates over the past two decades. Since 2010, the National Right to Life Committee, National Organization for Marriage, and CitizenLink, along with their PACs, have spent \$11.6 million to influence federal elections. The National Organization for Marriage spent \$11.8 million between 2007-14 to influence state and local elections, mostly in support of anti-marriage equality state ballot measures.
- After losing a big battle when Congress passed the Bipartisan Campaign Reform Act in 2002, James Bopp teamed up with religious right and Republican groups and leaders to undo much of the law, and win sweeping victories in high-profile cases like *Citizens United* and *McCutcheon*.
- Bopp and the religious right have turned their focus post-*Citizens United* to defeating disclosure laws. While they have met with little success so far, they are once again carefully laying the groundwork for future challenges.

INTRODUCTION

National socially conservative Christian organizations (the “religious right”) have played a key role in the highly successful march to deregulate political spending in America over the past two decades, in close coordination with Republican political operatives and conservative corporate funders. Conservative movement leaders have envisioned – and spent millions to pursue – a world in which wealthy donors and corporations are free to anonymously spend unlimited sums to influence federal, state and local elections in order to advance their social and political agenda.

Leading the charge to dismantle the post-Watergate system of campaign finance reforms has been James Bopp, Jr., a lawyer and Republican Party leader working out of a small law firm in Terre Haute, Indiana on behalf of the National Right to Life Committee, Focus on the Family, National Organization for Marriage, and other conservative movement groups. Although few knew his name before the Supreme Court’s landmark *Citizens United* decision in 2010, Bopp has proven to be a tenacious litigator with a steady stream of funding from conservative donors and the Republican Party.

“We had a 10-year plan to take all this down,” Bopp told the *New York Times* in the afterglow of the *Citizens United* decision. “If we do it right, I think we can pretty well dismantle the entire regulatory regime that is called campaign finance law. ... We have been awfully successful and we are not done yet.”¹

Bopp scored his most recent victory in 2014 when the Supreme Court struck down the overall (“aggregate”) contribution limit any one donor could give to federal candidates, political parties and political action committees in *McCutcheon v. FEC*.² As a result, one super-wealthy donor can now contribute as much as \$3.6 million dollars directly to those entities in a single election cycle – up from the previous limit of \$123,200.³ But it was the Supreme Court’s *Citizens United* decision in 2010, combined with a D.C. Circuit opinion *Speechnow.org v. FEC*, that opened the floodgates to more than a billion dollars in outside spending during the 2012 election cycle, much of it “dark” money from undisclosed donors.⁴ Greater amounts are expected in future elections, with even less transparency.

Emboldened by these victories, Bopp and conservative organizations have mounted a new round of challenges to state and federal campaign finance regulations, including contribution limits and disclosure – the last bastions of anti-corruption reform.

THE KEY PLAYERS

The undisputed leader of this crusade for unlimited and undisclosed spending to influence America’s elections has been James Bopp, Jr. and his Indiana-based law firm. The Bopp Law Firm has been a litigation mill, churning out dozens of legal challenges to state and federal campaign finance laws, many of which were brought on behalf of evangelical Christian groups, often in coordination with the Republican Party. The cash for the crusade has come largely from the Republican National Committee (RNC), conservative and religious right funders by way of the James Madison Center for Free Speech (a nonprofit set up by Bopp and Senator Mitch McConnell), and attorney fees.

Although campaign finance reform is not generally seen as a priority for conservative evangelical Christian activists – and many faith groups strongly support efforts to curb the influence of big money in politics⁵ – several large religious right organizations have been major players in the coordinated legal drive to dismantle campaign spending regulations.

The National Right to Life Committee (NRLC) bills itself as the “first nationwide right to life group” and has a network of affiliates in all 50 states.⁶ Between 2010 and 2013, the NRLC received more than \$38.4 million in revenues between its 501(c)(3) and 501(c)(4) organizations.⁷ Its funders include Karl Rove’s dark-money political group Crossroads GPS and the Koch-linked Donors Trust.⁸

James Bopp has served prominently as NRLC's legal counsel since 1980, when he led a walkout of conservative delegates from a White House Conference on Families.⁹ Bopp first became active in election-related litigation when he helped successfully defend the NRLC against charges that its distribution of voter guides in the 1980 presidential election had crossed the line into improper electioneering by a nonprofit.¹⁰ Bopp has represented the group and its state affiliates in at least twenty-five federal cases litigated since 1993.

The Christian Coalition is a religious right group formed in 1989 by religious broadcaster Pat Robertson following his unsuccessful 1988 presidential campaign. Between 1989 and 1997, the organization was led by conservative political activist Ralph Reed. Bopp represented the Christian Coalition in high-profile conflicts with the IRS and FEC over its political activities and alleged campaign finance violations, and the group actively lobbied against passage of the McCain-Feingold soft money bill for years.¹¹

Due to the organization's controversial political tactics, including issuing partisan "voter guides" and leading "get-out-the-vote" efforts for conservative churches, the IRS revoked the Christian Coalition's 501(c)(3) charitable nonprofit status in 1999.¹² Between that and exits by Reed and Robertson, the Christian Coalition has seen a dramatic decrease in funding, from \$26.5 million in revenues in 1996 to just \$201,527 in 2012.¹³

The National Organization for Marriage (NOM) is a national advocacy organization with a mission "to promote the importance of, and advocate for, marriage between one man and one woman, in law and society." Since 2008, James Bopp has represented the National Organization for Marriage or its state affiliates in a series of lawsuits challenging state campaign disclosure laws.

In 2012 alone, the National Organization for Marriage raised and spent over \$16 million, up from \$9.5 million in the previous filing year. The National Organization for Marriage has provided significant funding for state-level groups seeking to block marriage equality – more than \$2 million to Stand For Marriage Maine since 2009, \$250,000 in 2011 to Minnesota for Marriage, \$200,000 in 2010 to the National Organization for Marriage California PAC, and \$75,000 to California's Proposition 8 Legal Defense in 2010.¹⁴ Some of the largest known contributors to the organization include the secretive Koch-linked Donors Trust and Donors Capital Fund, along with the Bradley Foundation.¹⁵

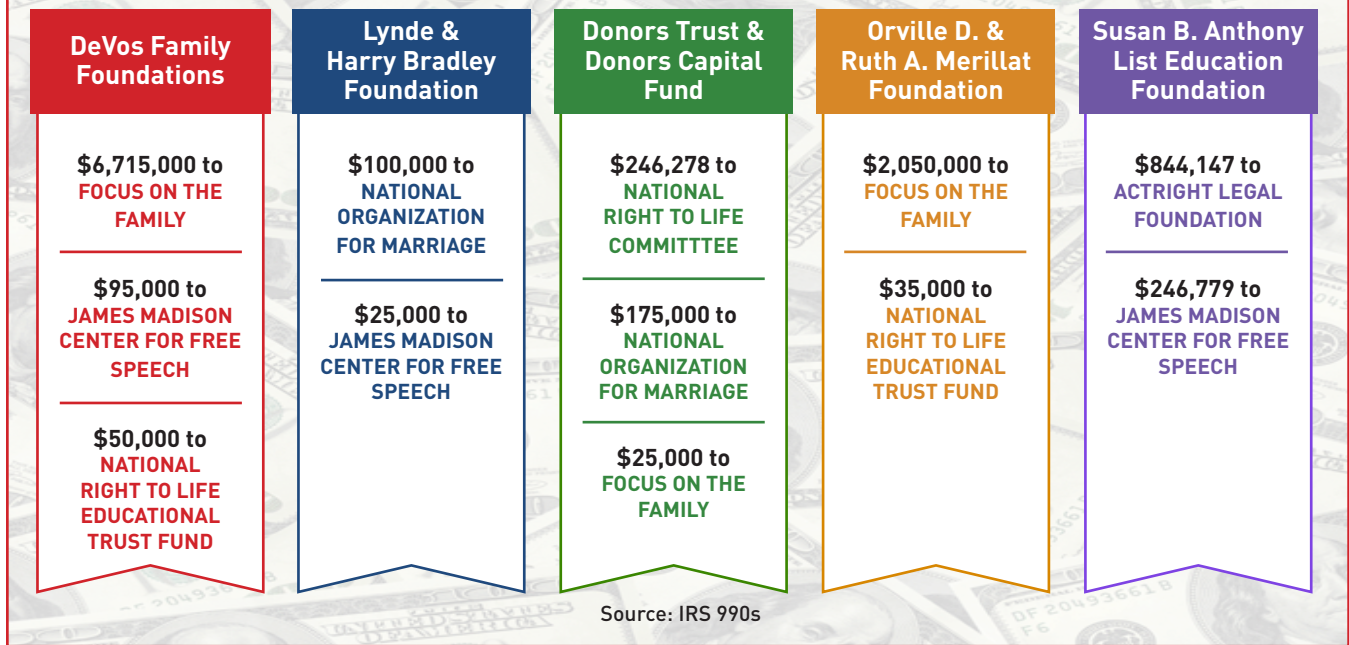
Focus on the Family is a Colorado-based, evangelical Christian organization founded by James Dobson.¹⁶ Among its many activities, Focus on the Family engages in national public policy, describing its mission as "educating the Christian community on public policy and legislative matters that are critical in the battle to preserve the Judeo-Christian foundation that is vital to building strong families in this great nation and developing a culture that is friendly to sharing the Gospel of Jesus Christ." James Bopp served as special counsel to Focus on the Family from 2005 to 2012.¹⁷

Focus on the Family maintains an affiliate known as **CitizenLink** that is registered as a 501(c)(4) nonprofit and engages in policy advocacy. CitizenLink has thirty-five state-level affiliates.¹⁸

Since 2010, Focus on the Family and CitizenLink have collectively raised over \$324 million and spent more than \$346.8 million.¹⁹ The Michigan-based DeVos family, known for funding conservative and right-wing causes, has contributed over \$6.7 million to Focus on the Family since 1998 through two family foundations. Additional funders include the Koch-linked Donors Trust and Bradley Foundation.²⁰

Major Funders of The Religious Right

1992-2013



PARTISAN TIES

In addition to their issue advocacy work, the named plaintiffs in most of the religious right's anti-campaign reform lawsuits engage in extensive electoral activity, both around ballot measures and to elect Republican majorities.

The National Right to Life Committee (NRLC) is a major political actor in Republican circles. During the 1990s, while the organization put defeating campaign reform laws on a par with ending abortion, the group received over \$1 million in direct contributions from Republican Party committees, including the RNC, the National Republican Senatorial Committee, and the National Republican Congressional Committee. The NRLC has almost exclusively supported Republican candidates.²¹

In 2010, National Right to Life Committee received \$2,025,000 from Karl Rove's Crossroads GPS, a dark-money political organization.²² In that same election cycle, the National Right to Life's PAC spent over \$2.1 million on independent expenditures and the National Right to Life Committee spent over \$642,000 on political communications.²³

During the 2012 elections, when National Right to Life received \$2.8 million from Crossroads GPS, NRLC's super PAC (the National Right to Life Victory Fund) spent over \$1.3 million on independent expenditures, while NRLC's nonprofit entity and political committee spent an additional \$2.7 million on independent expenditures and political communications.²⁴ Included in these independent expenditures were nearly \$1.7 million for Mitt Romney's presidential campaign. NRLC's super PAC also spent \$337,637 in independent expenditures against President Obama's reelection.²⁵

In the recent 2014 midterms, the National Right to Life PAC and National Right to Life Victory Fund spent nearly \$2 million on independent expenditures. As a super PAC, the National Right to Life Victory Fund is largely funded by its 501(c)(4) affiliate, meaning that many of the original funders of the super PAC are unknown.

The National Organization for Marriage (NOM) also spent heavily trying to influence the 2012 elections. NOM spent at least \$425,000 in independent expenditures in 2012, largely supporting Republican candidates, including Mitt Rom-

ney.²⁶ In the 2012 Republican primary, NOM spent over \$100,000 to defeat Ron Paul, who had spoken out against government's involvement in defining marriage.²⁷ The sources of NOM's funding for its political expenditures are unknown, because this spending is done almost entirely through a 501(c)4 organization. The National Organization for Marriage has also spent over \$11.8 million on political expenditures at the state and local level between 2007-2014.²⁸ NOM funded anti-marriage equality ballot measures in Minnesota, Maine, Maryland, Washington, North Carolina, Florida, and the District of Columbia. NOM has also funneled money to other state PACs, nonprofits and politicians, including the House Republican Victory PAC of New Hampshire, the Family Research Council, and Virginia's gubernatorial candidate Ken Cuccinelli.²⁹

Focus on the Family's affiliate CitizenLink is a big outside spender in elections as well. In 2012, CitizenLink spent over \$2.5 million on independent expenditures to help Republican candidates including Mitt Romney and Senate candidates Todd Akin, George Allen, and Josh Mandel. At the same time, CitizenLink spent hundreds of thousands of dollars against Democratic candidates Sherrod Brown, Jon Tester, Claire McCaskill, and Barack Obama.³⁰ During the same year, CitizenLink received nearly \$4.2 million from the Center to Protect Patient Rights (now known as "American Encore"),³¹ which was a key organization in the Koch network's efforts to influence the 2012 elections by funneling money to outside groups. The Center to Protect Patient Rights/American Encore is run by long-time Koch political operative Sean Noble, and was also central to a 2011 "dark money" election laundering scheme in California.³² (As a result of an investigation triggered by a complaint filed by California Common Cause, the Center to Protect Patient Rights and Americans for Responsible Leadership were ordered to pay \$1 million in fines to the state.)³³

CRUSADE CAPTAIN: JAMES BOPP, JR.

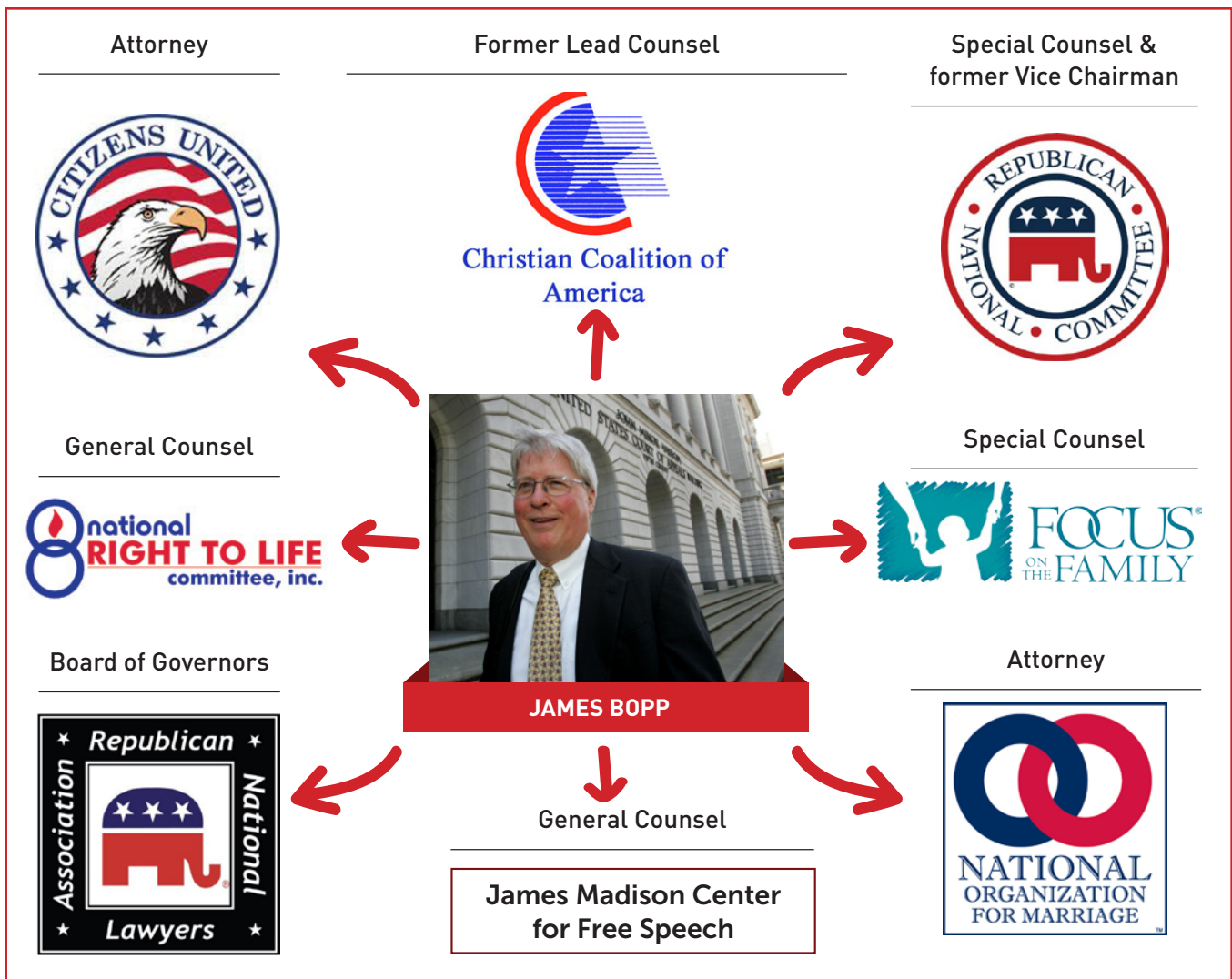
James Bopp's close ties to the religious right and the Republican Party stem from his early career as an anti-abortion lawyer and his lifelong role as a conservative political activist. From the late 1970s until 1990, Bopp's legal efforts focused mainly on abortion issues. As general counsel to the National Right to Life Committee, he challenged laws permitting the husbands of comatose women to approve life-saving abortions and laws restricting protest outside abortion clinics, and he represented men seeking court orders to prevent their girlfriends from having abortions.

Bopp's role as captain of the crusade to deregulate political campaigns began in earnest in the 1990s, when he represented the Christian Coalition in a successful challenge of Federal Election Commission rules on the distribution of voter guides in George Bush's 1992 reelection campaign and the 1994 senatorial campaigns of Oliver North and Jesse Helms.³⁴ He argued that, because the guides did not advocate the election of any one candidate, they did not constitute advocacy sufficient to fall under the FEC's jurisdiction.³⁵

Since then, he has represented numerous conservative groups and politicians on election-related matters, and has brought dozens of legal challenges to campaign laws. Bopp continues to serve as general counsel to the National Right to Life Committee, and was special counsel to Focus on the Family from 2004 to 2012.

Bopp is firmly entrenched in powerful conservative circles. In addition to serving as counsel and advisor to various Republican candidates (including Mitt Romney in 2008), he has been the go-to attorney for sticky election law situations, including filing a lawsuit to stop manual recounts in Florida in the 2000 presidential election³⁶ and assisting the GOP's efforts to extricate itself from the Tom DeLay scandals of the mid-2000s.³⁷

Bopp served as a Vice-Chairman of the RNC from 2006 to 2012,³⁸ and was appointed special counsel in April 2013.³⁹ During his tenure, he led a conservative faction's attempts to purge the party of moderates, drafting a party resolution that created a ten-point litmus test for candidates,⁴⁰ and he urged conservatives to label President Obama a "socialist" and the Democratic Party "the Democrat Socialist Party."⁴¹



During the 2008 elections, Bopp preemptively sued the FEC to allow a dark money group, The Real Truth About Obama, to run attack ads on Obama for “voting three times to deny lifesaving medical treatment to living, breathing babies who survive abortions.”⁴² He also represented the Committee for Truth in Politics, a nonprofit that ran anti-Obama ads in 2008 and anti-bailout ads in 2010.⁴³

In addition, Bopp has served since 2002 on the Board of Governors of the Republican National Lawyers Association, an organization closely aligned with the RNC that serves to organize lawyers around Election Day, mount post-election legal challenges, and whip up media attention to allegations of voter fraud.⁴⁴ He co-chaired the conservative Federalist Society’s Free Speech & Election Law Practice Group from 1996-2005,⁴⁵ and has been a member of the secretive Council for National Policy, a group ABC News called “the Most Powerful Conservative Group You’ve Never Heard Of.”⁴⁶ Described as advocating a “concoction of federalism, economic growth, social traditionalism, religious activism and anti-secularism,” the Council for National Policy’s membership has historically included Grover Norquist, Phyllis Schlafly, Oliver North and Robert Bork.⁴⁷

While working to change campaign finance law, Bopp has also advised groups to push the boundaries of what is legal, and has been no stranger to controversy. In 2001, Bopp represented two of the political committees that former House Majority Leader Rep. Tom DeLay and lobbyist Jack Abramoff relied upon to illegally funnel money to favored candidates,

the Republican Majority Issues Committee (RMIC) and the U.S. Family Network.⁴⁸ Bopp served as the RMIC's legal counsel at a time when the secretive group, created by DeLay and Karl Gallant, set about raising \$25 million for House Republicans by taking advantage of a series of loopholes in campaign laws and FEC rules.⁴⁹

Bopp runs his anti-reform operations out of two organizations sharing the same Terre Haute, Indiana office: his law firm, now called The Bopp Law Firm (formerly Bopp, Coleson & Bostrom), and the James Madison Center for Free Speech.

Bopp's law firm generates significant income from its campaign finance and election law litigation, which often results in attorney's fees being paid to the plaintiffs. According to ABA Journal, "Half of his [Bopp's] litigation comes through the privately funded center... If Bopp wins these cases, and he usually does, he often collects legal fees from the other side. His biggest payday by far came with the [*Republican Party of Minnesota v. White*] case: \$867,000."⁵⁰ The Republican National Committee has paid Bopp nearly \$2 million in legal fees since 2003.⁵¹ Bopp's firm also earned about \$350,000 from his legal work for Indiana causes and candidates between 1998 and 2011, largely from Republican committees in Indiana.⁵²

While Bopp has been in hyper-drive attacking campaign finance laws in recent decades, he has still found time to promote his religious right policy beliefs. In 2007, the governor of Rhode Island sparked controversy when his office paid \$15,000 for Bopp to draft an amicus brief on his behalf in opposition to same-sex marriage in a state Supreme Court case.⁵³ He has served on the boards of advisors of multiple conservative groups, including the Indiana Policy Review Foundation, and the Opportunity Project of Indiana.⁵⁴ The Indiana Policy Review Foundation is a member of the secretive State Policy Network, a network of Koch-funded conservative "think tanks" in every state.

Bopp also founded the Indiana Opportunity Fund, a group that ran dark money anti-union ads featuring Gov. Mitch Daniels when the legislature was considering anti-union "Right to Work" legislation. This is notable given that the Indiana Opportunity Fund received \$1.25 million from the State Government Leadership Foundation,⁵⁵ which is affiliated with the controversial Republican State Leadership Committee, recently exposed for running a risky scheme to launder money from tribal casinos to conservative lawmakers.⁵⁶

The Bopp Firm's client list has included National Right to Life Committee, Focus on the Family, Susan B. Anthony List, All Children Matter, Friedman Foundation, Catholic Answers, Christian Broadcasting Network, Salem Radio, Gerard Health Foundation, Priests for Life, Traditional Values Coalition, Home School Legal Defense Association, Vision America, National Organization for Marriage, Common Sense America, Catholic Citizens Committee, Life Issues Institute, Physicians for Compassionate Care, the Christian Coalition, Christian Life Commission of the Southern Baptist Convention, Concerned Women of America, American Academy of Medical Ethics, National Right to Work Legal Defense and Education Foundation, Club for Growth, Citizens United, Federation for American Immigration Reform, National Federation of Independent Businesses, Republican Governors Association, the Libertarian Party, Republican National Committee, and the state Republican Parties of Alabama, Indiana, Michigan, Minnesota, Rhode Island, Texas and Vermont.⁵⁷

CRUSADE CONDUIT: JAMES MADISON CENTER

In 1997, Senator Mitch McConnell – Congress' #1 opponent of campaign regulations – joined with Bopp to found a new nonprofit, the James Madison Center for Free Speech, to finance litigation challenging campaign finance laws. McConnell was named honorary chair, and James Bopp was made its general counsel.⁵⁸

The James Madison Center has had close ties with both the religious right and the Republican Party since its inception. The group's board of directors includes the National Right to Life Committee's two co-executive directors: Darla St. Martin and David O'Steen.⁵⁹ Madison Center board member David Norcross serves on the RNC's executive committee and as

chair of the RNC's Standing Committee on Rules, and is also a member of the Federalist Society and the Republican National Lawyers Committee.⁶⁰ Also serving on the board is Betsy DeVos, whose family, according to her own account, was the largest giver of soft money to the Republican Party in the late 1990s. DeVos has boasted about her efforts at “buying influence” and seeking “return on investment.”⁶¹ The DeVos family funds several religious right organizations, including the National Right to Life Committee, Focus On The Family, the Council for National Policy, along with the James Madison Center, and spent big on anti-marriage equality ballot measures in both Florida and Michigan.⁶²

A review of financial records from the James Madison Center shows that the nonprofit organization serves solely as a conduit for funneling money to James Bopp's anti-reform litigation projects. For the past three filing years, nearly all of the Center's revenue has gone directly to Bopp's firm. In 2011, the James Madison Center for Free Speech received \$255,779 from three grants, and reported paying \$255,879 to The Bopp Law Firm for “charitable purposes.” In 2010, the James Madison Center received \$135,000 in grants from four grants, and paid \$183,361 to Bopp, Coleson & Bostrom, again claiming a “charitable purpose” for the payment.⁶³ In 2012, the only difference between the Center's income and its expenditures to the Bopp Firm was \$284 in “filing fees.”

James Madison Center Cash Flow

Year	2010	2011	2012	2013
Total Income	\$135,000	\$255,879	\$67,000	\$1,875
Total Expenditures	\$184,435	\$256,173	\$67,284	\$1,800
Expenditures to Bopp Firm	\$183,361	\$255,879	\$67,000	\$1,800

Source: IRS 990s

The relationship between the James Madison Center and Bopp's law practice sparked a complaint to the IRS in June 2013 by Citizens for Responsibility and Ethics in Washington (CREW), alleging that the nonprofit Madison Center was being used improperly for Bopp's personal gain and calling the nonprofit a “front” and “alter ego” for Bopp. CREW said in its complaint that the James Madison Center has no staff, no separate phone line, and no separate address from Bopp's law firm, and Bopp has publically said that he controls the center despite the fact that it is governed by a five-person board. The James Madison Center, a 501(c)(3) nonprofit, is prohibited from providing “substantial benefit” for private interests and from “siphoning off any income to insiders,” according to the complaint. The James Madison Center and Bopp could face up to \$6.2 million in back taxes, civil penalties, and the loss of the center's tax-exempt status depending on how the IRS rules.⁶⁴ Interestingly, the Center's income and expenses dropped dramatically in 2013.

Because of the Center's nonprofit status, its revenue sources are somewhat opaque, but news reports named the Christian Coalition and the National Rifle Association as early donors, and it has received funding from religious right foundations like the Alliance Defense Fund and the Susan B. Anthony List Education Fund, as well as the American Justice Partnership, a group formed by the National Association of Manufacturers to influence state judicial elections.⁶⁵ In addition, the James Madison Center has received significant funding from well-known sources within conservative circles, including the Charlotte and Walter Kohler Foundation, Lynde and Harry Bradley Foundation and the Dick and Betsy DeVos Family Foundation.⁶⁶

Known James Madison Center Funders

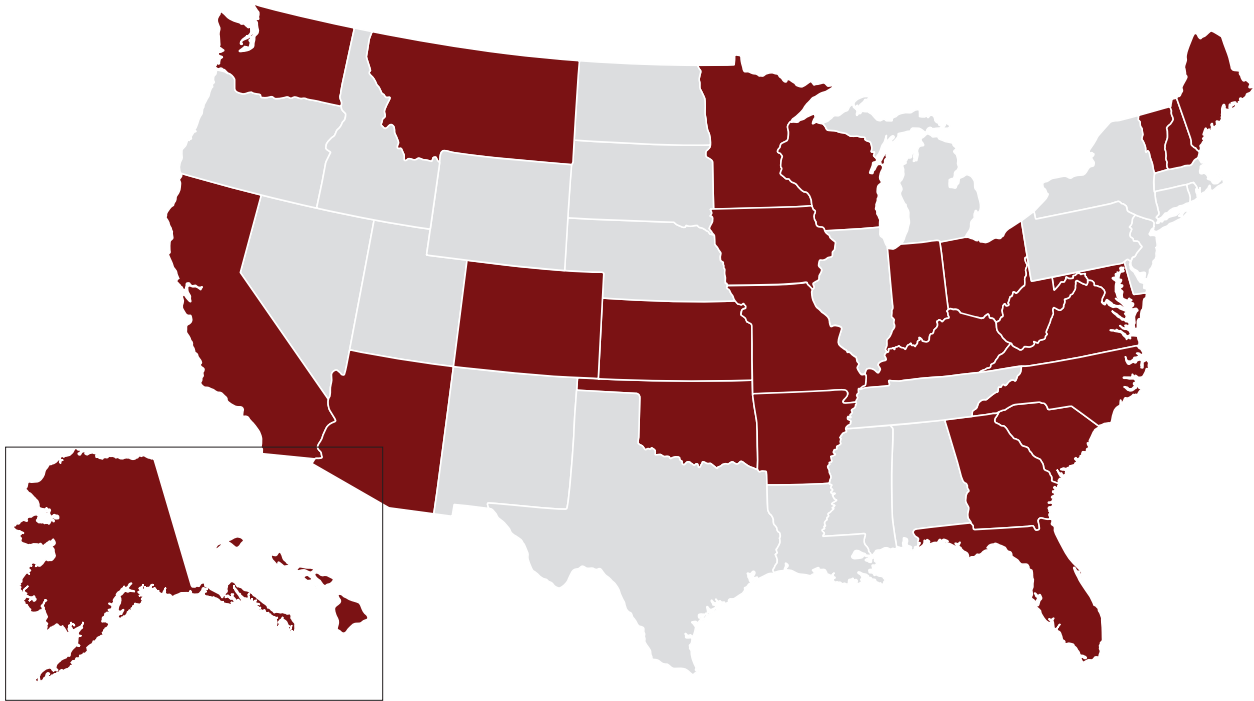
Donor	Amount	Year
Aduston Consulting, LLC	\$15,000	2012
Alliance Defense Fund	\$35,000	2012
Mack Energy Corporation	\$5,000	2012
SBA List Inc Education Fund	\$12,000	2012
Alliance Defense Fund	\$36,000	2011
Mercer Family Foundation	\$25,000	2011
SBA List Inc Education Fund	\$194,779	2011
Alliance Defense Fund	\$30,000	2010
James and Angela Thompson Foundation	\$10,000	2010
Loren E. Parks	\$55,000	2010
SBA List Inc Education Fund	\$40,000	2010
Alliance Defense Fund	\$77,064	2009
American Justice Partnership	\$50,000	2009
The Lynde and Harry Bradley Foundation	\$25,000	2007
Windway Foundation	\$10,000	2007
Charlotte and Walter Kohler Charitable Trust	\$75,000	2006
Charlotte and Walter Kohler Charitable Trust	\$225,000	2004
Dick and Betsy DeVos Family Foundation	\$25,000	2004
Dick and Betsy DeVos Family Foundation	\$10,000	2003
Dick and Betsy DeVos Family Foundation	\$35,000	2002
The Vernon K. Kriebel Foundation	\$1,000	2001
Dick and Betsy DeVos Family Foundation	\$25,000	1999

Source: IRS 990s

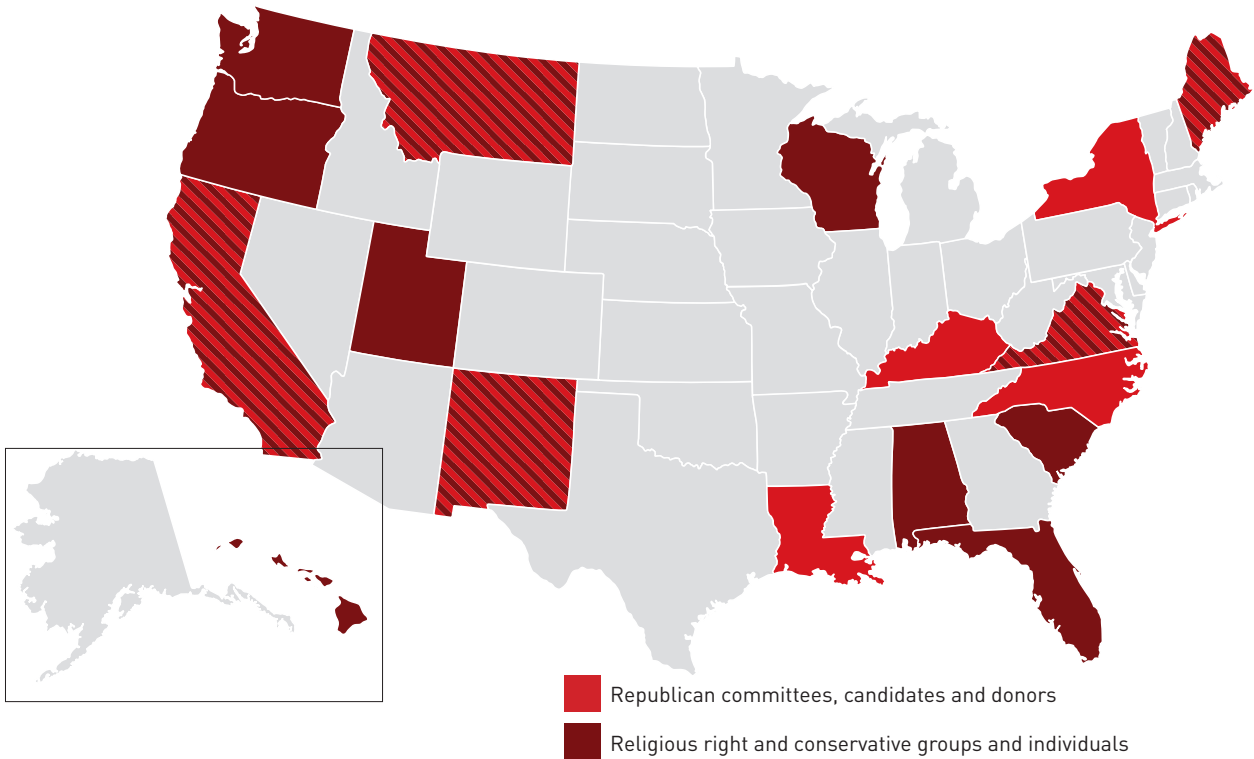
1990s ANTI-REFORM PUSH

In the 1990s, the National Right to Life Committee put defeating campaign reform laws on a par with ending abortion, and dramatically increased its political spending. Between 1993 and 1998, James Bopp brought at least 26 lawsuits on behalf of state chapters of the NRLC or individuals closely affiliated with the NRLC. The lawsuits challenged a wide range of state campaign finance regulations—political action committee registration requirements, campaign finance limits, expense and contribution disclosure requirements, and public financing programs. According to Bopp, the group spent “hundreds of thousands of dollars a year” on its legal blitz,⁶⁷ which met with considerable success.

Campaign Finance Litigation by "Right to Life" Groups & Individuals



Campaign Finance Litigation by Other Religious Right, Republican and Conservative Groups and Individuals



At the same time, the NRLC attracted major funding from the Republican National Committee and ramped up its spending to elect mostly Republican candidates. NRLC and its PAC received more than \$1 million from the RNC and other Republican committees in the 1990s. In 1996, National Right to Life gave \$2.2 million in direct contributions to political candidates, up from \$1.4 million in the 1994 elections, and spent “substantially more” than that on election related “issue advocacy.”⁶⁸

Bopp’s James Madison Center for Free Speech took on additional clients and also ramped up its legal challenges to campaign reform laws during the late 1990s. By 2001, the Madison Center had brought 44 campaign finance lawsuits in 27 states. Bopp boasted to a reporter from the *New York Times* that he had prevailed in 30 of 33 cases that had been resolved at that point.⁶⁹ Bopp represented the Christian Coalition in a high-profile challenge to the group’s tax-exempt charitable status brought by the Federal Election Commission, and represented the Republican Party of Minnesota in a 1998 lawsuit challenging state rules that prohibited elected judges from declaring a stand on political issues likely to be brought before a court.

SOFT-MONEY SHOWDOWN

In the decades after the post-Watergate system of campaign contribution limits was enacted in 1974, major political players developed creative ways to bypass those limits, funneling huge amounts of money through the political parties to influence elections using “soft money” loopholes and political ads disguised as issue ads. As campaign spending soared, closing those loopholes became a major focus of reformers in Congress.

In the late 1990s, National Right to Life made taking a position on the epic fight over banning “soft money” and regulating sham issue ads (McCain-Feingold in the Senate; Shays-Meehan in the House) a litmus test for its candidate endorsements. “I’d say that for a member of Congress, voting against us on Shays-Meehan is even worse than opposing us on any one piece of abortion legislation,” Bopp said at the time.⁷⁰ The group devoted a substantial portion of its \$12 million lobbying budget to defeating campaign finance reform, and headed up a coalition of odd bedfellows including the Christian Coalition, the American Civil Liberties Union, the National Rifle Association, the Coalition to Stop Handgun Violence, the Chamber of Commerce, and the National Association of Broadcasters.⁷¹

This marked a big shift for the organization, sparked considerable controversy within the anti-abortion community, and infuriated many anti-abortion Democratic members of Congress who supported campaign finance reform. Senator John McCain accused NRLC of making “inaccurate, indeed dishonest arguments,” and Democrats decried the group’s growing ties with the Republican Party, including a \$650,000 contribution from the RNC three weeks before the 1996 election.⁷²

Bopp’s relationship and collaboration the Republican Party deepened during this period as well, as he advised the party on controversial fundraising practices. In 1997, Senator Mitch McConnell—then chairman of the National Republican Senatorial Committee—collaborated with Bopp to create the James Madison Center for Free Speech, discussed above, to serve as a vessel to finance Bopp’s campaign finance litigation.

REFORMERS WIN ONE

Despite the well-funded opposition of National Right to Life, the Christian Coalition, the NRA and others, reformers won a major battle in 2002. Congress passed the Bipartisan Campaign Reform Act (BCRA), the sweeping soft money and electioneering reform bill championed by Senators McCain and Feingold. Bopp and the religious right moved quickly to blunt the law, shifting the soft-money war into the courts. Bopp joined a lawsuit filed by Senator McConnell just hours after President Bush signed BCRA into law. McConnell’s high-powered legal team for the challenge included

Floyd Abrams, Kenneth Starr, Kathleen Sullivan and Jan Baran.⁷³

In November of 2002, Bopp brought a separate federal lawsuit on behalf of Hawaii Right to Life challenging elements of the McCain-Feingold campaign finance reform law in the context of a special Congressional election.⁷⁴ That move caused a rift with the legal team representing McConnell in his lawsuit against the Federal Elections Commission. McConnell was reportedly “incensed” that Bopp had filed a separate challenge to the law without consulting the legal team in the main litigation. Given the nature of the Hawaii case, it stood to be heard before *McConnell v. FEC*, threatening to upend the legal team’s strategy. As it turned out, the case was decided on other grounds, but the move marginalized Bopp for the time being, and McConnell quit his association with the Madison Center.⁷⁵

The split did not affect the outcome of the case, but the Supreme Court’s 2003 decision in *McConnell* proved to be a big setback for the anti-reform crowd. Justices Sandra Day O’Connor and John Paul Stevens, writing for a divided Court, upheld BCRA, saying that “money, like water, will always find an outlet” and that the law was justified by the government’s interest in preventing corruption or the appearance of it.⁷⁶

Bopp and the James Madison Center continued to challenge state campaign finance laws during this period, including several state electioneering laws that paralleled BCRA, with Bopp representing an increasing number of clients outside of the religious right. From 2001 through 2004, Bopp continued to represent the National Right to Life Committee and the Christian Coalition in lawsuits challenging campaign finance laws, litigating at least nine federal lawsuits on their behalf.

CITIZENS UNITED AND THE ROBERTS COURT

Despite the right’s setback in *McConnell*, the religious right and James Bopp continued to barrage the courts with legal challenges to provisions of BCRA and similar state laws. The turning point came in 2006, when Justice O’Connor retired from the Supreme Court and was replaced by Samuel Alito, a libertarian and member of the conservative Federalist Society. Along with Chief Justice Roberts, appointed in 2005 after the death of Justice Rehnquist and also a Federalist Society member, Alito clinched a 5-4 majority on the Court firmly in favor of deregulating political spending and campaigns.

In 2007, James Bopp told a reporter, “I believe that this court [the Roberts Supreme Court], if pushed, would be willing to dump all campaign-finance regulations.”⁷⁷ His prediction has been right on the money. With Justice O’Connor out of the picture, the court has used a series of 5-4 rulings to all but overturn *McConnell*, turn its back on longstanding precedents, and gradually deregulate campaign spending.

In *Wisconsin Right to Life v. FEC* (2007), the five conservative justices sided with Bopp and Right to Life to strike down prohibitions on corporate and union electioneering, such as issue ads right before an election, unless the ads constituted express advocacy (i.e., “Vote for Smith”) or its functional equivalent.⁷⁸ And in 2011, the Court struck down the matching funds provision central to Arizona’s Clean Elections law in *Arizona Free Enterprise v. Bennett*, overturning two decades of appellate court rulings that matching funds in public financing programs provide more speech, not less.⁷⁹

Although the religious right and James Bopp had been waging a crusade against campaign finance regulation for almost 20 years, it was his role in a relatively obscure case on behalf of Citizens United, a conservative political group that produced a movie attacking Hillary Clinton, that catapulted him into the national spotlight. Citizens United had sparked criticism earlier by sending a fundraising letter boasting that its top investigator, David Bossie, was working “on the inside” of the Senate Whitewater Committee.⁸⁰ By 2010, Bossie had become the president and director of Citizens United, a 501(c)(4) nonprofit with more than \$13 million in annual revenue. While Citizens United is not an explicitly religious organization, the group did report spending more than \$1.7 million in 2010 on program activities related to the “National

Committee for Family Faith & Prayer: public education and issues advocacy to promote role of religion in society and traditional family values.”⁸¹

The Supreme Court took the rare action of holding its decision in *Citizens United v. FEC* over for a term and redefining the questions of law at stake in the case much more broadly. The Court’s ultimate decision in 2010 went much further than *Wisconsin Right to Life* by asserting a First Amendment right for corporations to spend unlimited amounts of money expressly calling for the election or defeat of candidates, so long as the spending is “independent” of candidates.⁸²

The Court’s sweeping decree in *Citizens United* was breathtaking in its scope and implications, and has unleashed a rising tsunami of political spending in federal, state, judicial, and local elections. Without any factual record before it, the Court decided 5-4 that *quid pro quo* corruption (essentially bribery) is the only kind of corruption justifying campaign finance regulations, declared that independent expenditures do not cause corruption, and awarded corporations and unions the same speech rights as people. “This Court now concludes that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption,” Justice Kennedy wrote for the majority. “The fact that speakers may have influence over or access to elected officials does not mean that those officials are corrupt. ... [and] the appearance of influence or access ... will not cause the electorate to lose faith in our democracy.”⁸³

In the wake of *Citizens United*, litigants have brought challenges to state campaign finance limits across the country, undoing similar restrictions on corporate political spending in 24 states.⁸⁴ Religious right groups were at the forefront of many these challenges, with James Bopp acting as their attorney, including cases filed in Hawaii, Iowa, Minnesota, Montana and Wisconsin. Although some of the cases remain mired in appellate litigation, Bopp and his clients have had significant success striking down state rules similar to BCRA’s, but have by and large failed to overturn prohibitions on direct corporate contributions to candidates and disclosure laws.

Montana put up the biggest fight. When an industry group brought a challenge to the state’s Corrupt Practices Act—adopted by voters in 1912 after a corruption scandal wrought by powerful mining barons—the Montana Supreme Court stood firm, relying on extensive evidence of historical corruption in the state stemming from corporate independent expenditures.⁸⁵ However, the U.S. Supreme Court summarily reversed that decision in a *per curiam* opinion without hearing oral argument or reviewing evidence.⁸⁶

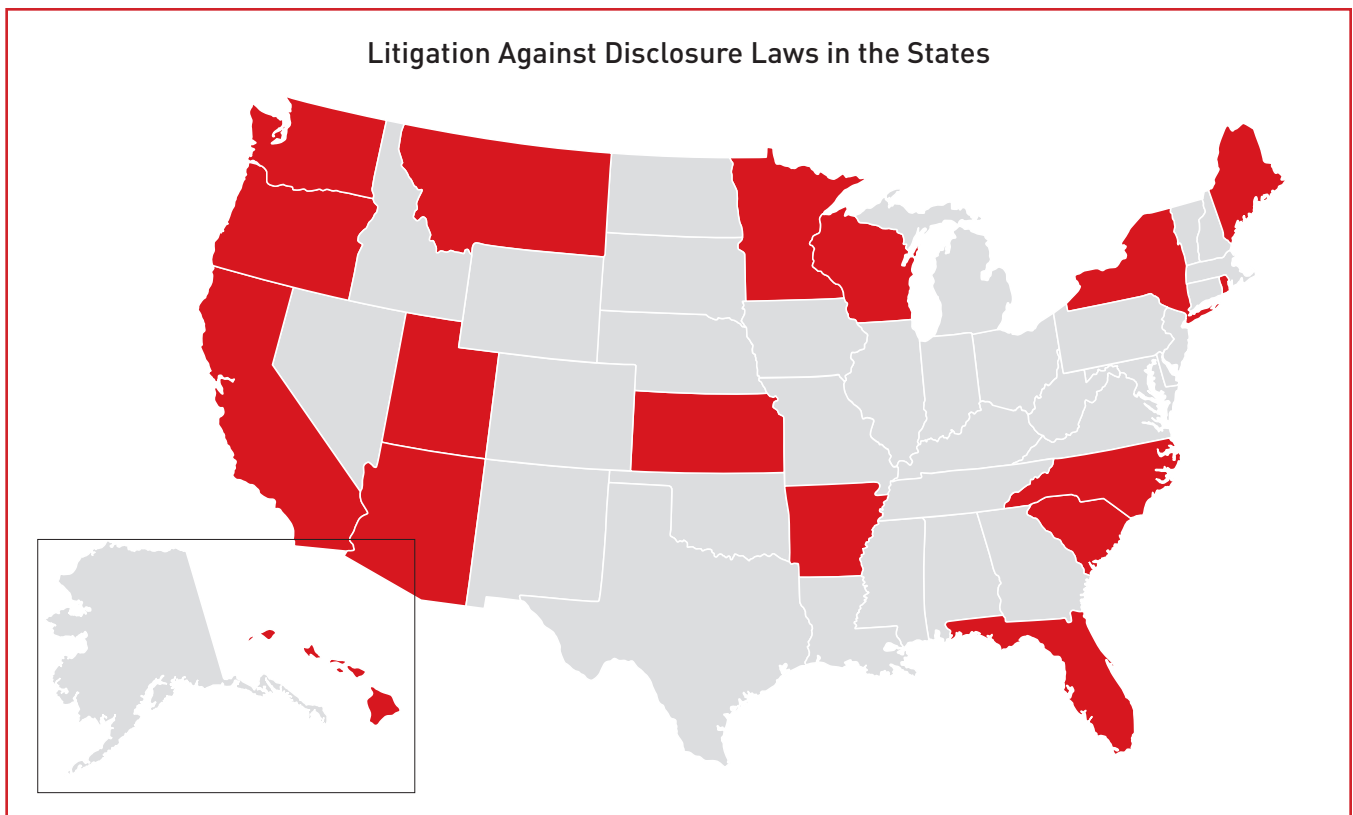
Bopp represented the anti-environmentalist dark-money group American Tradition Partnership,⁸⁷ the Montana Right Life PAC, and Republican county committees in a related challenge to a number of other campaign finance regulations, including the state’s contribution limits. In its complaint in *Lair v. Murry* (now *Lair v. Motl*), the Montana Right to Life PAC asserted that it wanted “to accept unlimited contributions, from all sources (including corporations)” for its political advocacy in Montana.⁸⁸ The case is still pending on appeal.⁸⁹

FIGHTING DISCLOSURE

The religious right, along with its corporate and partisan allies, is not satisfied with just unleashing unlimited and unrestricted spending in our elections; they want to do it in secret. For years, Bopp and lawyers associated with his firm have filed lawsuits challenging state disclosure requirements for political campaigns on behalf of opponents of marriage equality. Since 2008, Bopp has represented the National Organization for Marriage or similar entities in at least six federal lawsuits challenging campaign disclosure rules in California, Washington, Maine, Florida, Rhode Island, and New York.

But to date the war on disclosure has been much less successful.

Although *Citizens United* has been an asset to litigants challenging some state-level campaign finance limits, the decision



has proven decidedly less helpful in the conservatives’ drive to hide spending on campaigns and ballot measures. In its decision, the Supreme Court explicitly cited transparency and disclosure as a tonic to the potential for undue influence that unlimited independent expenditures in political campaigns could unleash. In praise of disclosure, the Court wrote, “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”⁹⁰ Lower courts have frequently cited this passage from *Citizens United* as they have rejected challenges to the constitutionality of state laws requiring full disclosure of expenditures seeking to influence the outcome of elections.⁹¹

Overwhelmingly, courts have upheld disclosure laws as consistent with the First Amendment, curbing corruption and protecting the rights of voters to know who is trying to influence election outcomes. In a letter to members of the United States Senate, the Campaign Legal Center and Democracy 21 wrote that since *Citizens United*, “strong disclosure laws ... have been upheld as constitutional in more than 20 cases decided by federal district courts and courts of appeal. This has included decisions by the First, Fourth, Seventh, Ninth and Eleventh U.S. Circuit Courts of Appeal.”⁹²

Still, the religious right’s fight to stay in the political shadows continues to consume substantial court and state resources. Opponents of same-sex marriage have taken a leading role in the campaign to prevent mandatory disclosure of donors and political expenses, often arguing that such disclosure would subject their supporters to the threat of violence, harassment, and boycott.

- Florida Family Action, a state affiliate of Focus on the Family, has been embroiled in contentious litigation for more than five years to keep secret the source of \$775,000 in political contributions it made to Florida4Marriage in its successful campaign to amend the state constitution to ban same-sex marriage.⁹³
- In California, Bopp and his firm represented the National Organization for Marriage in its unsuccessful challenge to the state’s law requiring disclosure of contributions in support of Proposition 8, a referendum that sought to ban gay marriage.⁹⁴

- Protect Marriage of Washington, a state chapter of the National Organization for Marriage, sued the state on behalf of anonymous plaintiffs in *Doe v. Reed* seeking to block public disclosure of the names and signatures on a petition for a successful 2009 referendum banning same-sex marriage. The plaintiffs, represented by Bopp and his firm, brought the case all the way to the Supreme Court, where the Court ruled 8-1 in support of disclosure of petition signatures, but left room for a future case with individualized showings of threats or harassment.⁹⁵ Subsequent legal action by Bopp to meet that standard failed, and a federal appeals court dismissed the case in 2012.⁹⁶
- Family PAC also brought suit in October of 2009 to block Washington State’s campaign finance regulation of last-minute election expenditures and its disclosure requirements in *Family PAC v. Reed*. In 2010, a federal judge ruled that Washington State’s last-minute campaign financing restrictions were unconstitutional but upheld the state’s disclosure requirements, and the appeals court affirmed.⁹⁷ In October of 2012, Washington election regulators ordered Family PAC to disclose under protest that it had received \$146,000 in legal services from The Bopp Law Firm.⁹⁸ The Family PAC is affiliated with James Dobson’s “Focus on the Family.”⁹⁹ A similar lawsuit on behalf of Human Life of Washington was also rejected.¹⁰⁰
- In Maine, the National Organization for Marriage—represented by Bopp—refused to disclose the donors behind \$1.9 million it contributed to the state ballot committee that ran a successful 2009 People’s Veto of the state’s gay marriage law.¹⁰¹ After repeated rulings against it, including the Supreme Court’s refusal to hear the case in 2012, Maine’s Ethics Commission slapped the group with a record \$50,250 fine in May 2014 and ordered the release of its records.¹⁰²
- In September of 2010, the National Organization for Marriage launched three lawsuits in a single week, represented by James Bopp and Kaylan Phillips, chief litigation counsel for the ActRight Legal Foundation, seeking to preemptively challenge state laws in Florida, New York and Rhode Island requiring organizations involved in electioneering to register with election authorities and disclose the sources of their financing. The courts rebuffed the National Organization for Marriage in all three cases, denying its requests for preliminary injunctions.¹⁰³

Similar court challenges brought by Bopp and religious right groups in Hawaii, Minnesota, Montana, Ohio, Vermont, Virginia, West Virginia and Wisconsin were also dismissed.¹⁰⁴ However, Bopp scored a partial victory in *Iowa Right to Life v. Tooker*,¹⁰⁵ and prevailed in another disclosure case in Wisconsin as applied to referenda, decided by Judge Rudolph Randa.¹⁰⁶ Judge Randa has become widely known over the past year for his decisions blocking a criminal investigation into Governor Scott Walker and enjoining the state’s campaign finance coordination laws in the heated 2014 elections.¹⁰⁷

DEREGULATION DRIVE CONTINUES

The impact of *Citizens United* has been enormous, both in term of precedent and political spending, and the fight is far from over. The religious right, dark-money groups, and Republican Party leaders have doubled down on their drive to deregulate political spending and have maintained their winning streak in the Roberts Court. Most recently, Bopp and his legal team successfully convinced five justices to strike down the overall “aggregate” limit that a single donor can give federal candidates, parties in PACs. That ruling in *McCutcheon v. FEC* paves the way to donors contributing over \$3.5 million directly to these entities during each election cycle, and invalidates similar aggregate limits in eight states.¹⁰⁸ For Bopp, who represented parties in both *Citizens United* and *McCutcheon*, the controversial rulings marked twin crowning achievements in his decades-long legal crusade against campaign finance restrictions.¹⁰⁹

With the ink barely dry on the Court’s *McCutcheon* decision, Bopp filed a head-on challenge to BCRA’s soft money regulations on behalf of the Republican National Committee, aiming straight at the heart of the law previously upheld in *McConnell v. FEC*.¹¹⁰ For unknown reasons, the parties voluntarily dismissed their cases in December 2014 while pending in the D.C. Circuit, although they reserved the right to file another challenge in the future.

An earlier run by Bopp and the RNC at federal rules covering coordinated spending between candidates and political parties was rejected in *Cao v. Federal Election Commission*,¹¹¹ and Bopp lost a renewed assault against bans on direct corporate campaign contributions when the Court denied cert in *Iowa Right to Life v. Tooker* just a few days after ruling on *McCutcheon*.¹¹² (Bopp lost a similar corporate campaign contribution challenge brought by North Carolina Right to Life in 2003 in *FEC v. Beaumont*.)¹¹³

But it seems safe to assume that new challenges will be brought given the current 5-4 deregulatory bent of the current Supreme Court. Based on language in both the *Citizens United* and *McCutcheon* decisions severely limiting the governmental interests that can be used to justify campaign finance limitations, Bopp and his partisan and ideological allies are pressing every legal angle they can.

“Those who support limits see the Court right now as the T. rex from ‘Jurassic Park,’” remarked Loyola Law School professor Justin Levitt. “What’s next? ‘Just don’t move. He can’t see us if we don’t move.’”¹¹⁴

CONCLUSION

The religious right’s crusade to deregulate political spending has transformed America’s electoral landscape, rolling back a generation of reforms and severely limiting the range of policy tools that can be used to rein in the influence of big money in politics.

That long-term effort, backed by Republican Party leaders and cash, has paid off in spades since Justice Sandra Day O’Connor retired from the Supreme Court in 2006 and the Court’s majority shifted to the right. The result? Outside political spending at the federal, state and local levels has shattered all records, and more and more of it is undisclosed. The 2014 midterms were the most expensive in history, clocking in at nearly \$4 billion.¹¹⁵ And for the first time since 1990, the money came from fewer donors than the previous midterm – including outside groups.¹¹⁶ The 2016 elections promise to raise the bar even higher. According to the *New York Times*, the Koch political network alone “plans to spend close to \$900 million ... an unparalleled effort by coordinated outside groups to shape a presidential election that is already on track to be the most expensive in history.”¹¹⁷

James Bopp once told a reporter, “The problem is having to file a report at all. To be regulated at all. To be accountable to the government at all.”¹¹⁸ Although the courts have held their ground so far on the importance of disclosure and the validity of bans on corporate contributions to candidates, the champions of unlimited and undisclosed political spending are on a roll and have no intentions of stopping anytime soon.

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APPENDIX A:

Campaign Finance Cases Involving the Religious Right, James Bopp and the James Madison Center (1994-2012)

Year Filed	Case Information	Comments
1994	Georgia Right to Life v Reid Northern District of Georgia	Challenge to limits on independent expenditure.
1995	Kentucky Right to Life v King Western District of Kentucky	Challenge to prohibitions on campaign contributions by some nonprofits.
1995	Jordahl v Democratic Party Western District of Virginia	Challenge to use of injunctions by private parties under state law to block last minute campaign expenditures.
1995	Virginia Society of Human Life v Caldwell Western District of Virginia	Challenge to state campaign laws.
1995	Maine Right to Life v Federal Election Commission District of Maine	Challenge to FEC's broad definition of express advocacy.
1995	Minnesota Citizens Concerned for Life v Federal Election Commission District of Minnesota	Challenge to FEC guidelines for nonprofit exemption from the federal ban on corporate independent expenditures.
1996	West Virginians for Life v Smith Southern District of West Virginia	Challenge to state campaign laws regulating issue advocacy.
1996	Clifton v Federal Election Commission District of Maine	Challenge to FEC guidelines treating communication between issue advocacy groups and political candidates as an unprotected contribution.
1996	New Hampshire Right to Life v State Secretary of New Hampshire District of New Hampshire	Challenge to state restriction on PAC independent expenditures.
1996	Montana Right to Life v Eddleman District of Montana	Challenge to a state statute prohibiting independent expenditures by nonprofit corporations.
1996	California Pro-Life Council v Fair Political Practices Commission Eastern District of California	Challenge to a state referendum that imposed contribution limits and restrictions on candidates for state and local elected offices.
1996	National Right to Life PAC v McGrath District of Montana	Challenge to state law prohibiting political advertisement in support or opposed to a candidate on election day.
1996	National Right to Life PAC v Webster District of Maine	Challenge to public financing system and contribution limits enacted by voters under Maine's Clean Election Act.
1997	Maryland Right to Life v Weathersbee District of Maryland	Challenge to state statute prohibiting lobbyists from serving as officers or treasurer of political committees.
1997	Wisconsin Right to Life v Paradise Eastern District of Wisconsin	Challenge to application of state political committee registration requirements to issue advocacy groups.
1997	Arkansas Right to Life v Butler Western District of Arkansas	Challenge to limits on independent political committees and restrictions on time periods during which contributions can be made.
1997	Vermont Right to Life Committee v Sorrell District of Vermont	Challenge to soft money regulations that covered issue advocacy expenses.
1997	Federal Election Commission v Christian Coalition District of the District of Columbia	FEC challenge to the Coalition's expenditures for express advocacy and corporate expenditures in coordination with a candidate's campaign.
1998	Florida Right to Life v Mortham Middle District of Florida	Challenge to regulations governing issue advocacy groups.

Year Filed	Case Information	Comments
1998	Iowa Right to Life v Williams Southern District of Iowa	Challenge to application of express advocacy requirement.
1998	Kansans for Life v Gaede District of Kansas	Challenge to state disclosure laws for issue advocacy.
1998	Daggett v Commission on Ethical Practices District of Maine	Challenge to public financing system and contribution limits enacted by voters under Maine's Clean Election Act.
1998	Stearns v Commission on Governmental Ethics and Election Practices District of Maine	Challenge to contribution limits and matching distributions based on independent expenditures.
1998	Christian Coalition v Black District of Hawaii	Challenged to disclosure requirements for initiative campaign to ban gay marriage.
1999	Colorado Right to Life Committee v Buckley District of Colorado	Challenge to contribution limits to legislative and statewide candidates.
1999	Legacy Alliance Inc v Condon District of South Carolina	As-applied challenge regarding application of contribution limits to nonprofit organization in state ballot initiative.
1999	Virginia Society for Human Life v Federal Election Commission Eastern District of Virginia	Challenge to ambiguity of regulations defining express advocacy and resulting regulation of issue advocacy.
1999	Volle v Webster District of Maine	As-applied challenge to PAC registration requirements for an individual and his unincorporated business association to spend funds to advocate on a ballot measure on partial birth abortions.
1999	Richey v Tyson Southern District of Alabama	Challenge to restrictions on voter guides prepared by the Christian Coalition of Alabama relating to a ballot measure concerning a state lottery.
1999	Yes for Life Political Action Committee v Webster District of Maine	Challenge to disclosure requirements regarding sponsors of election advertisements.
1999	Anderson v Spear Eastern District of Kentucky	Challenge to various provisions of state election and campaign finance regulatory scheme, including conduct at polling places, post-election solicitation, and public campaign finance scheme generally.
2000	South Carolina Citizens for Life v Davis District of South Carolina	As-Challenge of application of political committee requirements to organization's issue and express advocacy activities.
2000	Arizona Right to Life PAC v Bayless District of Arizona	Challenge to law requiring advanced notice of attack ads.
2000	Oklahomans for Life v Luton Western District of Oklahoma	Challenge to laws relating to issue advocacy.
2000	California Pro-Life Council v Randolph Eastern District of California	Challenge to disclosure requirements for ballot measure initiatives.
2000	National Right to Life Political Action Committee v Lamb Western District of Missouri	Challenge to restrictions on independent expenditure within 30 days of an election.
2001	Christian Coalition v United States Eastern District of Virginia	Challenge to IRS's refusal to grant 501(c)(4) tax-exempt status.
2001	Welker v Cicerone Central District of California	Challenge to \$100 expenditure limit in student elections at public university.
2002	McConnell v Federal Election Commission District of the District of Columbia	Challenge to the Bipartisan Campaign Reform Act.
2002	Rue v City of Albuquerque District of New Mexico	Challenge to expenditure limitations in municipal elections.
2002	Students for a Conservative America v Greenwood Northern District of California	Challenge to campaign finance restrictions in campus elections at a public university.
2002	Minnesota Citizens Concerned for Life v Kelley District of Minnesota	Challenge to state campaign finance regulations, including restrictions on large contributions and disclaimer requirements.

Year Filed	Case Information	Comments
2002	Hawaii Right to Life v Black District of Hawaii	Challenge to state campaign finance regulations.
2002	Arizona Right to Life v Bayless District of Arizona	Challenge to state law requiring advanced notice to candidates before distributing certain electioneering materials.
2002	Alaska Right to Life Committee v Miles District of Alaska	Challenge to disclosure and registration requirements for political action committees
2002	Hawaii Right to Life v Federal Election Commission District of the District of Columbia	Challenge to application of FECA's ban on coordinated corporate expenditures based on organization's eligibility for exemption.
2003	Ogden v Marendt Southern District of Indiana	Challenge to Indiana ballot slating law.
2003	Wisconsin Right to Life v Schober Western District of Wisconsin	Challenge to a 2002 campaign finance law in Wisconsin.
2003	Colorado Right to Life Committee v Davidson District of Colorado	Challenge to constitutionality of state laws concerning electioneering communications.
2003	Wisconsin Right to Life v Federal Election Commission District of the District of Columbia	As-applied challenge on restrictions of issue ads circulated immediately before an election.
2004	Flint v Dennison District of Montana	Challenge to campaign finance limits in student body elections at a public university.
2006	Christian Civic League of Maine v Federal Election Commission District of the District of Columbia	Challenge to provisions of BCRA barring electioneering by corporations thirty days before a federal election, arguing exempt from regulation because ad constitutes grassroots lobbying rather than an electioneering communication.
2006	South Carolina Citizens for Life v Krawchek District of South Carolina	Challenge to registration requirements for political committees.
2007	National Right to Work Legal Defense v Herbert District of Utah	Challenge to campaign finance disclosure and reporting requirements for organizations that make campaign-related expenditures.
2007	Citizens United v Federal Election Commission District of the District of Columbia	Challenge to BCRA's regulation of campaign-related spending by a nonprofit organization. .
2008	Ognibene v Parkes Southern District of New York	Challenge to New York City pay-to-play rules governing campaign contributions from corporations doing business with the City.
2008	Swaffer v Deininger Eastern District of Wisconsin	Challenge to disclosure requirements in a municipal referendum on liquor sales.
2008	Center for Individual Freedom v Tennant Southern District of West Virginia	Challenge to state law regulating disclosure of electioneering communications.
2008	Human Life of Washington v Brumsickle Western District of Washington	Challenge to state law requiring disclosure of donors behind radio ads opposing a right-to-die initiative
2008	The Real Truth About Abortion, Inc. v Federal Election Commission (formerly Real Truth About Obama v. FEC) Eastern District of Virginia	Challenge to FECA's definitions regarding express advocacy and political action committees.
2008	West Virginians for Life v Ireland Southern District of West Virginia	Challenge to state electioneering laws related to issue advocacy and disclosure.
2008	Koerber v Federal Election Commission Eastern District of North Carolina	Challenge to express advocacy restrictions, arguing unconstitutional as-applied to organization's issue advocacy advertisement.
2008	All Children Matter v Brunner Southern District of Ohio	Challenge to campaign finance laws governing political activity that is not solely express advocacy.
2008	Cao v Federal Election Commission Eastern District of Louisiana	Challenge to rules restricting coordinated election expenditure limits and party contribution limit between candidates and parties.
2008	Republican National Committee v Federal Election Commission District of the District of Columbia	Challenge to BCRA restrictions on political party fundraising.

Year Filed	Case Information	Comments
2009	Christian Coalition v United States Middle District of Florida	Claim for a refund of taxes paid in the 1990s after the IRS determined the group had been engaged in election activities rather than social welfare activities.
2009	Chula Vista Citizens for Jobs and Fair Competition v Norris Southern District of California	Challenge to state disclosure requirement during solicitation of signatures for ballot initiatives.
2009	Thalheimer v City of San Diego Southern District of California	Challenge to San Diego's municipal campaign finance laws, including contribution limits.
2009	ProtectMarriage.com – Yes on 8 v Bowen Eastern District of California	Challenge to campaign finance disclosure requirements.
2010	Hatchett v Eich Eastern District of Wisconsin	Challenge to campaign finance laws regarding a local referendum on liquor sales
2010	Minnesota Citizens Concerned for Life v Swanson District of Minnesota	Challenge to campaign disclosure requirements.
2009	Vermont Right to Life v Sorrell District of Vermont	Challenge to contribution limits and campaign disclosure requirements.
2009	Doe v Reed Western District of Washington	Challenge to disclosure requirements for signatories of a petition supporting a referendum on marriage equality.
2009	Family PAC v Reed Western District of Washington	Challenge to disclosure rules and finance limits on last minute political advertising in referendum campaigns.
2009	National Organization for Marriage v McKee District of Maine	Challenge to campaign finance disclosure requirements.
2010	Wisconsin Right to Life v Myse Eastern District of Wisconsin	Challenge to Wisconsin campaign disclosure rules.
2010	Cushing v McKee District of Maine	Challenge to matching fund provision of state public financing law.
2010	Yamada v Kuramoto District of Hawaii	Challenge to state campaign finance disclosure rules and definitions of political committees.
2010	Iowa Right to Life v Smithson Southern District of Iowa	Challenge to state campaign contribution limits.
2010	Lincoln Club of San Diego County v Dumanis Southern District of California	Challenge to municipal campaign finance regulations.
2010	Susan B. Anthony List v Driehaus Southern District of Ohio	Challenge to state law prohibiting spreading falsehoods about a candidate's record.
2010	Oregon War Veterans Association v Kroger District of Oregon	Challenge to campaign disclosure laws and tax laws.
2010	Montana Shrugged Teaparty Patriot v Unsworth District of Montana	Challenge to Montana campaign disclosure laws.
2011	New Mexico Turn Around v City of Albuquerque District of New Mexico	Challenge to matching funds provision of public financing program.
2011	Lair v Murry District of Montana	Challenge to state campaign finance contribution limits.
2011	North Carolina Right to Life v Leake Eastern District of North Carolina	Challenge to public financing law.
2011	Republican Party of New Mexico v King District of New Mexico	Challenge to independent expenditure contribution limits.
2012	McCutcheon v Federal Election Commission District of the District of Columbia	Challenge to aggregate limits on federal campaign contributions.



1133 19th Street NW
Washington DC 20036
1.800.926.1064
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