

Exhibit No. 4
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 Bill No. SB 289



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Guest opinion: Bring 'dark money' into light of public disclosure

June 18, 2014 12:00 am • By BOB BROWN

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The venerable Barry Goldwater warned, "Unlimited campaign spending eats at the heart of the democratic process. It feeds the growth of special interest groups created solely to channel money into political campaigns. It creates an impression that every candidate is bought and owned by the biggest givers. And it causes elected officials to devote more time to raising money than to their public duties."

Goldwater's foresight was right. Congress will be in session only 123 days this year. They'll have a lot more time, on the public dime, to raise re-election money than they've scheduled for the duties they were elected to perform. They created the 501-C4 corporation through which torrents of anonymous money continually flow into political coffers.

\$14M in dark money

Without question, the constitutional right to freely express our views about our government is fundamental to our existence as free people. Goldwater strongly affirmed this, but argued that limits were necessary, and that "we should try again to convince the Supreme Court that what is at stake is the integrity of the entire political process."

Well, that's not going to happen. Instead of changing course as Goldwater hoped, the court affirmed and extended the rationale that money is speech. We saw massive evidence of this in Montana in the 2012 Tester-Rehberg U.S. Senate race. Together the campaigns spent a record \$18 million. Money spent on their race by outside sources totaled nearly \$30 million, including about \$14 million in "dark money" contributed by anonymous donors.

Organized as nonprofit corporations, the dark money mongers run ads attacking candidates, but don't actually ask voters to vote for or against a candidate. This ruse allows the groups to identify as "social welfare" organizations which only "educate" the public about the candidates. The law allows the use of this fiction to shield the identity of their donors.

Defenders of the secret money use the excuse that subjecting their mysterious donors to a disclosure requirement would have the "chilling effect," of discouraging them from exercising their constitutional right to free speech.

What then about the millions of individual Americans who openly contribute to causes and candidates? Why does the law allow contributors to the so-called nonprofits to remain faceless, while all others must face the "chill"?

The dark donors don't want their names connected with the negative poison they are paying for in order to influence us to vote for the candidates who are best for them. That's the "chilling effect" they and, perhaps, their favorite candidates are afraid of.

Would we even have a country with freedom of speech, and a Bill of Rights guaranteeing our other fundamental freedoms, if our founders had been afraid to openly sign their names to the Declaration of Independence?

89,000 television ads

The Supreme Court has ruled that political money can be spent without limit. In the 2012 Senate race between Tester and Rehberg no limits resulted in 89,000 TV ads – more than any other Senate race in the country. So brace yourself, the flood is coming.

If we can't limit the flow of money, let's at least shine the light on where it's coming from. As the candidates campaign around the state leading up to November, put them on the spot. Ask them to commit to bringing the dark donors into the sunlight with the rest of us.

Bob Brown, of Whitefish, is a former Montana secretary of state and Senate president.

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