

Senator Sheldon Whitehouse
Rules Committee Hearing
The DISCLOSE Act
July 19, 2022

Chair Klobuchar, Ranking Member Hagerty, thank you for inviting me to testify on the DISCLOSE Act.

Twelve years after *Citizens United*, Americans know something is deeply amiss in our democracy. Huge majorities see America headed in the wrong direction. Fifty-eight percent of voters say our government needs major reforms or a complete overhaul. Only 25% of Americans say they have confidence in the Supreme Court, down 11% from just last year. They see government actually erasing rights on which generations of Americans relied.

Is all of this some weird collective phase, or are the people actually right that something is wrong?

I submit to you that the distress in our Republic has much to do with corrupting political influence acquired via unlimited anonymous dark money; that dark-money influence has created a disconnect between what Americans want their government to do and what it actually does.

Dark money by design can be impossible to trace. But people instinctively know it when their voices are being drowned out and big corporations always seem to come out on top. They can tell when the ad on their television was put up by some fake front group.

Floods of dark money caused this, so we can fix it. The DISCLOSE Act, first introduced by Leader Schumer in 2010 and reintroduced by me in every Congress since, will fix this.

Even the *Citizens United* justices recognized that unlimited political spending without transparency would be corrupting. *That* they got right: we've seen a tsunami of slime distort our politics and corrode our democracy. What the justices got wrong — indisputably, factually wrong — is their unlimited-money tsunami being either transparent or independent.

The wreckage from the dark-money aftermath of *Citizens United* is staggering.

Dark money political spending went from under \$5 million in 2006 to more than \$1 billion in 2020. Megadonors and special interests had a bonanza. Billionaire political spending increased by a factor of 70, from \$17 million for the 2008 election to \$1.2 billion for 2020. In 2018, super PACs and other dark-money groups collectively outspent even candidates' own campaigns in 16 federal races.

Think things are different? They are. Academic studies found that economic elites and business interests have huge influence on government policy, while average citizens have little or none. Whatever the American people want, the big donor interests now win nearly every time.

Look at climate change. Before *Citizens United*, there was a steady heartbeat in the Senate of bipartisan climate bills. John McCain ran for President with a solid climate platform. With *Citizens United*, that heartbeat flatlined. The fossil fuel industry used its unlimited dark-money weaponry to stamp out bipartisanship, creating a lost decade of legislative failure, for which I fear we will all pay dearly.

Far-right special interests even turned their dark-money guns on the federal judiciary. They funded a secretive \$580 million network to pack the courts with judges selected to greenlight donor-friendly policies, and to run multi-million-dollar ad campaigns to keep their confirmations on track. Their network involves dozens of front groups, some of which are mere “fictitious names” for other secretive front groups.

Now, we have a Court gone wild. In a matter of days, the newly-radicalized Court overturned *Roe v. Wade*, manufactured new polluter-friendly legal doctrines, and threw out centuries-old gun safety regulations—all of it wildly unpopular with most people.

Dark-money groups funded and organized the rally before the January 6 attack on the Capitol, and perpetuate the Big Lie. Bad enough. But behind and beside the Trump mob’s violent insurrection attempt, has run a slow-motion coup d’etat by secretive special interests surreptitiously, incrementally, taking over government power. Left to fester, dark money will rot the very foundation of our Republic. Remember, justices who signed off on *Citizens United* conceded dark money was corrupting. That part was 8-1.

We need to pass the DISCLOSE Act so citizens can see who is spending the big money in politics — donors who spend over \$10,000. Even foreign enemies can try to corrupt us through dark money channels — after all, secret is secret.

The American people love this idea. Poll after poll shows Americans overwhelmingly, by margins of 85 to 90%, want this. Even Republicans criticize dark money. Well, Republicans should have a chance to join us in ending it. If we get rid of the damned stuff, this horrible decade of dark-money corruption comes to an end, and Congress can begin to serve America again.