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High court will revisit campaign law

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WASHINGTON - The Supreme Court set the stage Friday for striking down a part of the McCain-Feingold campaign-finance law that bars the broadcast of corporate and union-funded ads just before an election.

Three years ago, the justices narrowly upheld McCain-Feingold and its rule against corporate-funded broadcast ads, which was adopted to prevent powerful interests from using their money to sway elections in the final weeks of a campaign. The now-retired Justice Sandra Day O'Connor cast a deciding fifth vote in favor of the law.

On Friday, the justices announced they will hear a free-speech challenge to this rule in April and this time decide the issue before a court that is likely to be more skeptical of laws that restrict election-related spending.

While advocates of campaign-funding laws say they are trying to limit the influence of big money in politics, critics of these measures say they unconstitutionally restrict people and groups from voicing their political views.

The critics include Justices Antonin Scalia, Clarence Thomas and Anthony Kennedy. They voted to strike down the McCain-Feingold Act as unconstitutional. If Chief Justice John Roberts Jr. and Justice Samuel Alito join with them, they will have a majority to limit or strike down the rule.

That would open the door to more special interest ads on radio and television ads before the primary and general elections in 2008.

For decades, corporations and unions have not been allowed to use their money to fund candidates or their campaigns. However, nothing prevents people, including corporate and union officers, from giving \$2,000 to a candidate for federal office. They also may use their money to join with others to pay for ads that support or oppose a candidate.

The McCain-Feingold Act specifically bans corporate and union-funded ads that mention a candidate for federal office within 30 days of the primary election or within 60 days of the general election.

In upholding this rule in principle, the Supreme Court agreed with Congress that these ads are intended to influence an election, and therefore they may be restricted because they amount to use of corporate and union money to sway an election.

But free-speech advocates have been eager to get a new challenge before the court.

James Bopp Jr., an Indiana lawyer who represents free-speech and anti-abortion causes, brought a test case on behalf of the Wisconsin Right to Life Inc., a non-profit corporation. He proposed to run radio ads during the summer of 2004 that criticized Democratic Sens. Russ Feingold and Herb Kohl for refusing to approve all of President Bush's pending judicial nominees. Feingold was then running for re-election.

The Federal Election Commission said these ads would be illegal. Bopp sued, arguing the ads amounted to "grass-roots lobbying," not an election ad.

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