When did sunlight become the infectant?

By Rep. Elijah E. Cummings - 05/12/11 09:28 AM ET

Reality seems to have been flipped on its head in the debate over the administration's draft executive order to require federal contractors to disclose more information about their campaign contributions.

It used to be that transparency was a solution, not a problem. But today, Oversight Committee Chairman Darrell Issa is holding a hearing stacked with witnesses representing defense and aerospace contractors who oppose additional disclosure.

Chairman Issa, who is also the co-chair of the Congressional Transparency Caucus, now suggests that more transparency is dangerous. In desperate rhetoric, he warns that President Obama secretly wants to use this new information to create a "Nixonian type enemies list."

In other words, disclosing campaign contributions could allow people in power to misuse the information to retaliate against those who do not share their politics.

The problem with this logic is that all campaign disclosures would be bad, not just new ones.

Government contractors already disclose contributions and expenditures by their Political Action Committees and those who contribute to them. Contributions by the officers and directors of government contractors are also required to be disclosed. Yet nobody is suggesting we eliminate these provisions.

The only new disclosures the draft executive order would require are political contributions to third-party entities.

A second argument made by opponents is that contracting officers might review political contributions in order to reward allies or punish foes by awarding or withholding government contracts. Again, this could happen now under current reporting rules, but federal procurement law prohibits it.

In fact, the very first section of the draft executive order reiterates that "every stage of the contracting process, from appropriation to contract award to performance to post-performance

review," must be "free from the undue influence of factors extraneous to the underlying merits of contracting decision making, such as political activity or political favoritism."

A third argument — that the draft executive order violates the First Amendment — is also misplaced. The Supreme Court has ruled repeatedly that campaign finance disclosure provisions are constitutional.

Even in the recent Citizens United case, eight of nine justices agreed that campaign disclosure rules are consistent with the First Amendment because they do not prohibit contributions and "do not prevent anyone from speaking."

For all of these reasons, a broad coalition of dozens of open government organizations strongly supports the administration's draft executive order.

More than 30 groups, including nonpartisan, nonprofit organizations like Democracy 21, the Project on Government Oversight, Public Citizen and many others, have concluded that the draft executive order would enhance transparency and decrease corruption.

"What is missing today," according to Fred Wertheimer, the President of Democracy 21, "and what the executive order would require is disclosure of the funds given by government contractors to third party groups that are then spent by the third party groups to influence federal elections."

Unfortunately, we will not be hearing from any of these groups at today's hearing because Chairman Issa refused my request to have Mr. Wertheimer testify on their behalf.

Given the tremendous amount of work these groups have done on these issues, and the insight and expertise they offer, it is irresponsible and ultimately damaging to exclude them from today's hearing.

Denying their testimony is a disservice to members of Congress and the public, and it tarnishes the integrity of the committee.

My hope is that our committee will become a model for others to follow. We should seek out the views of those we disagree with rather than suppressing them. Especially in a debate about openness and transparency, we should be open and transparent ourselves.

Read the original entry: http://thehill.com/blogs/congress-blog/campaign/160785-when-did-sunlight-become-the-infectant