

Court hears arguments over issue ads in campaign season

WASHINGTON - A campaign finance reform law that limits certain types of "issue" advertising shortly before elections should not preclude ads that specifically mention a politician facing a tight election, the Supreme Court was told April 25 by the attorney representing Wisconsin Right to Life.

In oral arguments on the court's last day to hear new cases this term, attorneys for the federal government countered that ads placed by Wisconsin Right to Life about Sen. Russell Feingold, D-Wis., were intended to persuade voters to vote against him, not simply to pressure the senator to end a filibuster against judicial nominees. That violates the Bipartisan Campaign Reform Act, said Solicitor General Paul Clement.

The ads in question ran on radio and television beginning in the summer of 2004. They called on Feingold and Sen. Herb Kohl, D-Wis., to oppose a Senate filibuster of nominees for the judiciary. The ads did not refer to Feingold's re-election campaign - Kohl was not up for re-election at the time - but they also did not include information about how to contact the senators. The ads did refer to a Web site for Wisconsin Right to Life that had material critical of Feingold.

Federal courts in Wisconsin ruled that the right-to-life organization was not entitled to a preliminary injunction allowing the ads to continue past Aug. 15, the date set under the campaign reform law requirement to cut off "electioneering communication" by corporate-funded interest groups within 30 days before a federal primary election or 60 days before a general election.