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The Left's Coordinated Assault on Free Speech

It uses leaks, coercion, and the IRS to suppress conservative groups.

By John Daniel Davidson & Brooke Rollins

Last week the left-wing British newspaper the *Guardian* published a trove of funding proposals that were privately submitted to the State Policy Network (SPN) — a nonprofit group that coordinates state-level efforts to enact free-market reforms — by state-based think tanks. (One of the documents was a proposal from our institution, the Texas Public Policy Foundation, about reforming Medicaid to better serve low-income Texans.) The publication of the documents is not so much a piece of investigative reporting as it is a modern-day recurrence of 19th-century yellow journalism.

The *Guardian* justified its actions on the grounds that the public needs “full and fair access” to the conservative groups’ plans, “to allow the public to reach its own conclusions about whether these activities comply with the spirit of non-profit tax-exempt charities.” The clear implication is that the groups in question are nefarious beneficiaries of “dark money” from corporate interests seeking to control state politics.

But the real purpose of the *Guardian*’s hit piece is far more disturbing than any corporatist conspiracy theory: It is meant to undermine the freedoms of expression and association that all Americans enjoy under the First and Fourteenth Amendments. The *Guardian* is well aware of these protections; they are why the paper has been able to publish many of the documents stolen by Edward Snowden. But for the activist Left, those freedoms shouldn’t extend to conservative and libertarian groups.

The *Guardian*’s aim is to intimidate Americans who support the work of liberty-minded organizations. They seek to deter them by falsely suggesting wrongdoing — as they did to the American Legislative Exchange Council (ALEC) last year — and by stripping donors and supporters of their constitutional right to anonymity. That right was expressly recognized in a 1958 U.S. Supreme Court case, *NAACP v. Alabama*, in which the court affirmed that “freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment.”

But the *Guardian* story is not an isolated incident. It is part of a deliberate, coordinated effort across the political left to silence Americans who speak against — and lawfully resist — the growth of government power.

Our own confidential donor list was illegally leaked by the IRS last year and wound up in the hands of the *Texas Observer*, a far-left statewide magazine, which promptly published it. It's no surprise, then, that the *Guardian* shared its SPN documents with the *Observer* last week for dissemination in Texas, just as it did for the *Portland Press Herald* in Maine.

The disclosure this spring that the IRS had improperly targeted conservative tea-party groups seeking nonprofit status ahead of the 2012 presidential election has turned into something even more sinister. Instead of reining in its Treasury Department in light of these abuses, the White House recently directed the IRS to clamp down on the political activities of tax-exempt nonprofits.

Elected officials are also piling on. U.S. senator Elizabeth Warren's letter to Wall Street CEOs last week demanding disclosure of financial contributions to Washington think tanks is as blatant an effort to suppress political speech as her Senate colleague Dick Durbin's August letter to supporters of ALEC (including us) demanding their positions on stand-your-ground legislation.

Even tax-exempt nonprofits on the left have joined the fray. In November, the liberal Center for Media and Democracy launched a campaign to reveal the identities of anonymous donors to conservative groups in last year's effort to unseat Wisconsin governor Scott Walker. It also filed a records request demanding every e-mail the Texas legislature had received from the Texas Public Policy Foundation.

Perhaps most disturbing is that many in the mainstream media — not just left-wing outlets like the *Guardian* — not only approve of this kind of intimidation, but are willing to engage in it. The *Chicago Sun-Times* recently rejected an op-ed submitted by the Mackinac Center for Public Policy because the group would not cave to demands from the newspaper to disclose its donor list. The *Sun-Times* then ran an editorial explaining that it wished it could “draw a red line” and reject all letters and op-eds from nonprofits that do not disclose their donors, and never use them as sources. The editors admitted that “highly credible organizations” like the ACLU and the NAACP also refuse to disclose their donor lists, but nevertheless claimed that groups like the Mackinac Center should be held to a “more skeptical standard,” because they haven't been around as long — and, presumably, because they buck the liberal consensus.

The editors of the *Sun-Times*, like others driving the campaign against conservative nonprofits, claim a benign desire to inform the public about the financing of groups that might influence public policy. But if that's true, where are the calls for the private donor lists of the Center for American Progress, the New America Foundation, the Center for Media and Democracy, and other left-leaning groups?

It's not hard to understand why the campaign of intimidation is accelerating now. Frustrated

and angry that their plans are collapsing around them, with a persistently sluggish economy and Obamacare daily eroding the credibility of big government, the Left realizes that its policies are failing — and is attempting to suppress anyone who points that out.

But they will not deter us, our peer institutions in the State Policy Network, or the American majority that still believes in constitutional liberties. When their efforts to slander and intimidate have failed, all that will remain for them is to contend on the merits of their ideas.

And we know how desperately the Left wants to avoid that.

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