

THE IMPORTANCE OF SUPER COMMITTEE TRANSPARENCY

For the reasons laid out below, the public is entitled to full disclosure of any monetary or political interests members of the Joint Select Committee on Deficit Reduction (the “Super Committee”) may have in the results of their negotiations. Senate Bill 1498, the Super Committee Sunshine Act, is a valuable initial measure. But Congress must also require additional disclosure requirements from this powerful committee.

The Super Committee faces a task of historic significance. In just a few short months, it must author a major deficit reduction plan that can attract broad, bipartisan support. The choices it makes will set the nation’s course for years to come, and will inevitably have a profound impact on certain voters, industries, and communities of interest. Given the potential that these choices will favor some groups over others, it is imperative that the Committee’s deliberation process be fair, thoughtful and principled, and that all decisions be made in the public’s best interest. Requiring robust transparency will force accountability upon a body with unprecedented powers—and will discourage deals that favor narrow interests over the broader good.

The Super Committee Sunshine Act is a promising first step. This bill would heighten the campaign contribution disclosure requirements for Super Committee members by imposing a 48-hour reporting deadline on all donations of \$1,000 or more. In the words of bill sponsor Senator David Vitter, “Given the important work this committee will be doing over the next four months, it’s just plain good government for the public to know what special interests are trying to influence the committee.”¹ The Brennan Center wholeheartedly agrees.

Although important, the Sunshine Act is not sufficient. Super Committee members should also be required to disclose any involvement they have in soliciting funds for outside political groups, such as SuperPACS, 527s, and 501(c)(4) and (c)(6) organizations. Given the considerable political influence these types of organizations exert in today’s electoral landscape, there is little doubt that—given the chance—special interests will choose to funnel political dollars through a friendly third-party group with no disclosure obligations rather than making direct donations. Involvement by

¹ Press Release, U.S. Senator David Vitter, Vitter Introduces Bill to Bring Transparency to Super Committee Members’ Campaign Cash (Aug. 2, 2011), http://vitter.senate.gov/public/index.cfm?FuseAction=PressRoom.PressReleases&ContentRecord_id=8bfe77d1-9ac6-a80b-5e01-484c3f210ece&Region_id=&Issue_id=.

members of the Super Committee in soliciting donations to third party groups opens the door to *quid pro quo* arrangements not in the public interest; requiring disclosure will deter such conduct.

Voters also have a right to know who is lobbying the Super Committee for special treatment. While everyone has the right to advocate for their interests, no one has the right to exert influence in secret. Back room deals to protect special interests must play no part in this process. Accordingly, members should be required to disclose every meeting they have during the deliberation period, including all meetings between their office staff and outside groups or individuals. These reports should clearly reflect the names of all persons involved, the organizations represented, and the topics of discussion.

Now as never before, Justice Louis Brandeis' famous words ring true: "Sunlight is said to be the best of disinfectants; electric light the most efficient policeman." The Super Committee's negotiations are too important to keep the public in the dark. Accordingly, Congress should fully endorse the Sunshine Act as well as disclosure of solicitation and lobbying contacts.

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