

Wiley Rein Response Cited in Article on Campaign Financing Disclosure Litigation

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Wiley Rein's July 11 response to Citizens for Responsibility and Ethics in Washington (CREW), filed on behalf of American Action Network, was cited in a *Bloomberg BNA Money & Politics Report* story on litigation involving federal disclosure requirements. The response in ongoing litigation by CREW against the American Action Network and the Federal Election Commission (FEC) involved a recent decision by the Supreme Court of the United States to decline review of Delaware's extensive campaign finance disclosure law. CREW claimed in a court notice that the Supreme Court's decision in *Delaware Strong Families v. Denn* demonstrated that it is constitutional to impose strict disclosure requirements even for small amounts spent on campaign advertising.

In the response to CREW's court notice, Jan Witold Baran, co-chair of Wiley Rein's Election Law & Government Ethics Practice, and partners Caleb P. Burns and Claire J. Evans said in their filing that the Supreme Court decision did not set any new precedent, but rather the courts have recognized that disclosure "imposes First Amendment burdens" that can be justified only after "exacting scrutiny" into the government's basis for requiring disclosure.

The case began in 2014 with a challenge to the FEC's dismissal of enforcement action brought against American Action Network and another group.

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