

# Citizens United

## **LWV Position on Campaign Finance Reform** *Presented by Naomi Epstein*

Methods of Financing should:

1. Ensure the public's right to know.
2. Combat Corruption and undue influence
3. Enable candidates to compete more equitably.
4. Allow maximum citizen participation in the political process.

### **Terms:**

1<sup>st</sup> Amendment – Congress shall make no law abridging the freedom of speech of press.

Quid Pro Quo – A Latin phrase that means “this for that” an explicit agreement by a candidate or elected official to perform a specific act in exchange for something of value.

### **Major Supreme Court Ruling on Campaign Finance Reform**

1976 – Buckley v. Valeo – Court upheld FECA's limitations on contributions, public financing and disclosing provisions.

1990 – Austin v. Michigan Chamber of Commerce – upheld ban on a campaign financing expenditure relying on a distortion rationale

2010 – Citizens United v. FEC – upheld that all speakers use money amassed from the economic marketplace to fund their speech and the 1<sup>st</sup> amendment protects the resulting speech.

2014 McCutcheon v. FEC – did away with aggregate limits. No limits to the total amount an individual may donate in an election season.

### **Discussion:**

Before Citizens United the court did not rest their holding on a narrow notion of “quid pro quo” corruption. Instead it relied on the governmental interest in combating the unique forms of corruption threatened by Corporation as recognized in the Austin anti-distortion rationale.

In Citizens United v. FEC decided in 2010, a 5 to 4 Supreme Court Majority held that all forms of corporation – including non-profit organizations, trade associations and for profit multi-national corporations, as well as labor unions- have a first Amendment Free Speech Right to make independent campaign expenditures, just as individuals do.

The majority emphasized its view that free speech rights do not depend on the identity of the speaker whether corporate or individual, and stressed the view that independent expenditures do not corrupt political candidate or elected officials. In other words all speakers use money amassed from the economic marketplace to fund their speech, and the first amendment protects the resulting speech.

This decision effectively overturned the Tillman Act, Which had prevented direct corporate and union spending in election for many decades. It also overturned the 1990 Austin v. Michigan Chamber of Commerce decision and narrowly defined the corruption –Quid Po Quo –that could justify limits on the first amendment. Thus the court ignored the subtle influence on favored access granted to large donors and rejected the idea that big money distorts the election process or reduces political equality.