

[Forums](#) / [General Discussion](#)[Help](#)

US Supreme Court strikes down donation limits

 You are subscribed. [Unsubscribe](#) [electionDonations](#) × [+ Add Tag](#)Sort replies by: [Oldest first](#) [Newest first](#) [Most popular](#)[Karen West](#) · 8 hours ago <http://www.ft.com/intl/cms/s/0/70f806b4-ba78-11e3-aeb0-00144feabdc0.html#axzz2xoS5ELRh>

Article starts with (think you need to subscribe to at least free version of Financial Times to read it, so copying a few lines here):

The [US Supreme Court](#) has cleared the way for [more money to flow](#) into US politics, striking down as unconstitutional limits on the total amount individuals can donate for each election.

[The court](#) divided along the 5-4 lines that characterised its path-breaking decisions on campaign finance in recent years, with a narrow majority ruling that the right to participate freely in elections trumped the threat of corruption.

 [1](#)  · [flag](#)[ellen anderson](#) · 6 hours ago 

This decision would be a very timely topic for this weeks written assignment, don't ya think?

 [0](#)  · [flag](#)[+ Comment](#)



Nina Vitale · 5 hours ago

Is this a great day for the First Amendment? Is it justice for all when big money supports elections? I find it shocking that once again money will play a major role in deciding who will be President. This ruling is not a democratic outcome as it does not protect the rights of ALL citizens.

↑ 0 ↓ · flag

[+ Comment](#)

Dorothy Frank · 5 hours ago

There's a good overview of the dissent at:

<http://bit.ly/1dNScvw>

entertainingly enough, the Washington Post blog outlining "winners" and "losers" (<http://wapo.st/1edvWWG>) does not mention the American People as "losers"...

My secret fantasy? - that 1% of the wealthiest get tapped for \$3.6 million every election cycle until they're out of cash and come down to the rest of us 99%...

↑ 0 ↓ · flag

[+ Comment](#)

Anonymous · 4 hours ago

I am puzzled as to some of the reasoning in the decision. As I understand Chief Justice Roberts, he thinks that if we tolerate flag burning, Nazi marches and other offensive displays of opinion, that we have to hold our nose and accept that money can say whatever it wants--to a point. That line is described as avoiding "quid pro quo" (overt bribery for a vote). So the \$2600 contribution per candidate remains in place, even if you give to hundreds of candidates. But money is fungible and all those donations will not be going to hotly contested elections, so what stops a candidate or his staff from turning around and donating their \$2600 to a race that is more heated? So outside money will increasingly go to races where personal representation is not an issue, but rather pushing a national agenda. Will this ultimately be balanced? It might. Does this really help our political system? Or does this just make more money for advertisers and enhance political polemics? Is there a way to measure the distortions? Most likely both parties will rush to put more and more money into what is euphemistically called "political speech."

You can see some added discussion here, including the dollar amounts that have been left intact, and those limits that have been removed: <http://www.scotusblog.com/2014/04/opinion-analysis-freeing-more-political-money/>. It could take many years, and perhaps several generations, to see how this evolves. Maybe the twitter-verse has cause for celebration.


↑ 0 ↓ · flag

[+ Comment](#)[Angela Yarbrough](#) · 4 hours ago 

Highly recommended read: Lawrence Lessig on an "originalist" argument against McCutcheon: "[Originalists Making it up Again](#)"

(sorry for the cross-post. noticed this thread after posting in the earlier one)

↑ 0 ↓ · flag

[+ Comment](#)[Kerry Bron](#) · 19 minutes ago 

Given what we have learned about the Constitution in this course, I am disappointed with the Supreme Court's decision in the McCutcheon case although I am not surprised by this decision given the conservative, big business bias of the Court. There is precedent for calling "money" free speech which was decided in the Buckley vs. Valeo case (1976) in which the court ruled that independent spending is free speech protected by the first amendment, and this thinking was later supported by the more recent Citizens United decision.

However, it seems that the intention of the founders was to prevent prominent, wealthy citizens from unduly influencing elections and to allow a broad segment of the population the opportunity to run for elected office even if not wealthy. As professor Amar explained in this course, there were rules written into the document such as age restrictions for representatives, senators and the president which would prevent young scions of prominent, wealthy families from being elected based on their name rather than achievements of their own. Additionally, federal officials were to be paid so that citizens of more modest means could afford to run for and be in office. Also, in Article 1, section 9 paragraph 7, the Constitution states that no person holding any office of profit or trust under them shall without the consent of Congress, accept any present, emolument, office, title, of any kind from any king, prince or foreign state. By implication the founders did not want any wealthy foreigners to influence those in office, and we can read between the lines the implication that they did not want any foreign powers to buy election results. Although the recent decision is not directly analogous since it involves the influence of citizens of the United States, there is nonetheless applicability since the founders did not want undue monied interests influencing Elections. They wanted a broad populace to be involved in the electoral process which is why they did not include property qualifications for citizen voters for federal officials and excluded property qualifications during the Constitutional ratifying conventions. The reconstruction era Constitutional amendments, the nineteenth and the twenty sixth amendments went even further in broadening the base of voters. This recent decision does not diminish the one citizen, one vote idea, but it does make some citizens more equal than others because money talks and those who give more money often have more political access than their less fortunate counterparts.

Although the winning Supreme Court argument 5-4 in this case states that the decision does not abridge the citizens' free speech, I would argue that it gives undue influence to a small number of citizens while slighting the majority which was not the intent of the founders or the spirit of the subsequent amendments to the constitution.

↑ 1 ↓ · flag

[+ Comment](#)

New post

To ensure a positive and productive discussion, please read our [forum posting policies](#) before posting.

B	<i>I</i>			Link	<code><code></code>	Pic	Math		Edit: Rich ▼	Preview
<div></div>										

☐ Make this post anonymous to other students

☒ Subscribe to this thread at the same time

Add post

