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US Supreme Court strikes down donation limits

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[Karen West](#) · a day 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](#) · a day ago 🔗

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

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[Nina Vitale](#) · a day 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.

↑ 1 ↓ · flag

Anonymous · 2 hours ago

big government runs elections when the IRS goes after Obama's political opponents. how about the 33 green companies that got funded by Obama campaign contributors ... like Solyndra ,, where the bundlers got their money back and then leave tax payers holding the bag. all taxpayers get to finance Obama's election. and the media gives Obama billions in free promotion as well. so the progressives want less speech for control.

↑ 0 ↓ · flag

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Dorothy Frank · a day ago

There's a good overview of the dissent at:

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

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%...

↑ 2 ↓ · flag

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Anonymous · a day 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.

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Angela Yarbrough · a day 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)

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Kerry Bron · a day 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.

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Anonymous · 2 hours ago

when the media is fair and balanced and the education system votes 50% against the democrat party we can listen to progressives when they want to restrict free speech.

↑ 0 ↓ · flag

Anonymous · an hour ago

Obama took TARP money and gave it to GM's union who had given him loads of. money. Solyndra was not the sole money laundering effort where the progressive candidate takes public money to fund an election.

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Anonymous · 18 hours ago

I can't believe that anyone is actually upset at this decision! The big money is already in elections. This ruling will barely move the needle. And if it does, it will move it for both parties. If you weren't mad about the money before, you should not be upset after this ruling. I take some shots at Dems below, but I agree both parties are guilty.

U.S. Senate seat now costs \$10.5 million to win, on average, while US House seat costs, \$1.7 million, new analysis of FEC data shows

Read more: <http://www.nydailynews.com/news/politics/cost-u-s-senate-seat-10-5-million-article-1.1285491#ixzz2xsNh5DmK>

And look at Wendy Davis running for Texas Gov. Yeah, I know both parties are guilty, but she is a nice example of someone already receiving large donations and also receiving large donations to fund her campaign from outside the state she is running in.

<http://www.dallasnews.com/news/politics/state-politics/20140225-wendy-davis-gets-big-donations-from-...>

Underscoring the national dimension of the race, 27 percent of Davis' total in the latest report came from outside Texas, compared with 2 percent of Abbott's total.

Democrat Wendy Davis collected \$100,000 in the last month from Austin Planned Parenthood board member Aimee Boone and \$100,000 from EMILY's List, a political committee that supports Democratic women who back abortion rights.

Other big donors during the most recent reporting period included investor Rani Clasquin of Austin, \$50,000; League City trial lawyer Ronald Krist, \$50,000; and eight contributions of \$25,000, including from Cecilia Boone and Suzanne Bartolucci.

In addition, her most recent report shows that Planned Parenthood's political committee spent \$20,000 to conduct a poll on Davis' behalf and \$9,000 for Web design and staff time.

Or how about that Mark Zuckerberg was able to call the White House and get the President on the phone. Can you do that?

Of that <http://money.cnn.com/2014/03/13/technology/security/mark-zuckerberg-nsa/>

White House officials acknowledged Obama and Zuckerberg spoke, but did not divulge details about the conversation. The administration pointed to an NSA statement denying the accusations.

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Joel Kovarsky · 7 hours ago 🔗

Odd that you would single out Wendy Davis. The Koch Brothers are said, by themselves, to already contribute about 25% of all union contributions to campaigns. But no single union came close. By one estimate the brothers, for the 2012 election cycle, spent \$490 million (to the cumulative union number of \$1.7 billion).

Partisan camps could exchange lists: <http://www.opensecrets.org/outsidespending/summ.php?cycle=2012&disp=D&type=V&superonly=N> . And those are just disclosed donors, hence the Koch Bros. and some others do not specifically appear (<http://www.motherjones.com/politics/2012/11/charts-map-koch-brothers-2012-spending>). For those on the right, you can find stats for George Soros. Take a look for yourself what skews occur for the SuperPacs: http://www.opensecrets.org/outsidespending/donor_stats.php . Partisan finger pointing appears useless: <https://www.opensecrets.org/orgs/list.php> .

We are all influenced by the partisan media fights that result from this money. And everyone should be concerned. The idea that big money is already in elections should not make anyone feel better about our existing funding mechanisms for election processes. It is undeniable that we are stuck with the results. If you want to get an idea of how much the presidential advertising campaigns have grown over the last six decades: <http://www.livingroomcandidate.org/commercials/1952> .

We are left with this SCOTUS decision, at least for the foreseeable future, but there is little reason to admire the "free speech" some justices claim to support. Try figuring out how much gets spent on polemics vs. thoughtful discussion.

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Anonymous · 2 hours ago

It's disingenuous to equate the two parties on this. [Numbers from 2012](#) show Romney took in 2.5x as much SuperPAC money as Obama, and [FiveThirtyEight analysis](#) shows the caps in question affect Republicans twice as much as Democrats.

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Joel Kovarsky · 2 hours ago

I have admittedly not gone back and looked at every election cycle over the past six decades, but I do not think it is disingenuous to state that it is a bipartisan problem: both parties will run the race. It is not unreasonable to think it will take several presidential cycles to see how much more a mess things become, or if there were a plateau in how much money gets the "desired" result, whatever that might be.

↑ 1 ↓ · flag

Joel Kovarsky · 2 hours ago

OpenSecrets has an area devoted to "The Money Behind the Elections:
<https://www.opensecrets.org/bigpicture/> .

Within that are some bar graphs as to partisan fundraising (hard and soft money): <https://www.opensecrets.org/bigpicture/ptytots.php?cycle=2012> .

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Angela Yarbrough · 2 hours ago

Yes, it is a bipartisan problem. It doesn't matter which party gets the most money. The problem for *all* of us who aren't in the 1% is that "our" party (if we have one) *and* our government are dependent on the super-rich, and are thus responsive to the needs and desires of the super-rich, at the expense of the needs and desires of the country as a whole. This is bad for all of us. It is even, in the long run, bad for the 1% themselves.

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Anonymous · an hour ago

35,000 illegal votes have been caught via a partial audit. which party do you think got most of them?

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Anonymous · [an hour ago](#) 🔒

It's not a bipartisan issue because there's little risk of the [very, very small](#) percentage of ultrarich (.1%, not 1%; the 1% is actually getting poorer) citizens colluding to *raise* taxes and *increase* competition through elevation of the unwealthy. Democrat vs. Republican is irrelevant: the party names may not have changed in a long time, but the parties certainly have, and decisions like this will only make it easier for a small number of individuals to nefariously hijack one or the other (or a new one; whatever) and force credible candidates to vote against their constituency's own good.

It doesn't hurt when ads purporting to be news sources convince the relatively well-to-do that they're being hurt by taxation and the burden of supporting the public good, when in fact they're far closer to homeless than they are to the ultrarich, so they think principles like lower taxation and regulation in these economic circumstances benefit them, the not-ultrarich well-to-do, at all.

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Karen West · [8 hours ago](#) 🔒



I honestly do not know if this is true, but here is what I have heard that some other countries do in their elections, in regard to money donations. Each party (and some have more than 2) is given an equal amount of a large sum of money, and then each of them does with it what they want, whether through ads, etc, and then they all just debate it out. I really do not know for sure though. This course and these areas are definitely out of my realm of expertise, and took it more as one might consider a humanity for people in high tech. However, what I heard in random conversation was that the reason they do it is so the debates between each party running can take place with equal amounts of money influence, and how they spend it is up to them before they finish up with live debates. It could be though, that even if this is what they advertise as how their elections work, that money does end up influencing it beyond what is advertised in how their election rules work, who knows!

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[Dorothy Frank](#) · [3 hours ago](#) 🔒

I'm already mad about Citizens United. So I guess I'm just still mad that we're continuing the wrong way down the slippery slope.

Here's a blog discusses Koch Brothers and George Soros' spending on politics
- <https://www.opensecrets.org/news/2010/09/opensecrets-battle---koch-brothers.html>

To me, it isn't just about campaigning. It is also about lobbyists and writing the laws that weaken the

oversight on the things they're lobbying for (like wall street)...

Money is controlling our democracy... which means it isn't a democracy anymore.

↑ 1 ↓ · flag

Anonymous · [an hour ago](#) 🔒

so what do you think of TARP money going to the GM union and them giving money to Obama?

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Dorothy Frank · [an hour ago](#) 🔒

The auto industry paid back their loan. I don't think that means funding Obama.

interesting bit:

OUTFLOWS: \$609 billion This includes money that has actually been spent, invested, or loaned.

INFLOWS: \$621 billion Money returned and paid to Treasury as interest, dividends, fees or to repurchase their stock warrants.

<http://projects.propublica.org/bailout/>

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Anonymous · [44 minutes ago](#) 🔒

An irrelevant anecdote because of the scale and distribution of those donations. http://www.huffingtonpost.com/2012/07/25/general-motors-political-donations_n_1699638.html

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Anonymous · [22 minutes ago](#) 🔒

Obama gave GM to the union and shafted the teachers union that was a bond holder. GM went on to kill people selling cars with known defects. GM shareholders got the shaft and Obama got to use TARP money for something it was not authorized for. just so long as he won I using tax money from his opponents is all that counts.

\$s from union to Obama. GM taken from owners and given to unions. this is called payback.

quid pro quo. if you owned share of GM you were shafted. if you loaned money to GM you were shafted. the taxpayers gave GM the means to survive so it could keep killing people who drive their union made death mobiles. lots of taxpayers don't like Obama and didn't vote for him. they were forced to finance his victory. via cronyism. union progressive style.

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Jay Oza · 2 hours ago 🔒

Why not just let rich people pay people who are undecided to vote for the candidate they prefer? This way we are not bombarded with dumb commercials non stop for a whole month before an election.

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Anonymous · an hour ago 🔒

why not just appoint OKcupid as gatekeeper for the Internet since Hillary has called for one. That way we can keep all thought not agreeable to progressives from being seen and then we can also fire anyone who opposes our agenda in any fashion. twofer.

with DVRS PEOPLE SKIP COMMERCIALS anyway so we should welcome the rich wasting their money on TV. we still have to drive Faux news off the air. it is an insult to freedom that they are allowed to broadcast the right wing point of view. who needs more views than our own, I for one am really uncomfortable faux is allowed to exist.

↑ 0 ↓ · flag

Anonymous · 6 minutes ago 🔒

why not let progressives vote as many times as they want to like they did in North Carolina 35,000 times, have Chris Matthews say there has never been a single case of voter fraud and then have Rev All call anyone who objects to this be called a racist?

with things needing Obama's guiding hand that has turned around the economy and caused world peace everywhere ...thus justifying his Nobel Prize ... why not suspend elections altogether. we could save a lot of money sending congress home and firing everyone in the military. that would give us more money to extend unemployment for a lifetime and everyone gets 40/hour if they work or not. only fools would work.

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