that the speaker represented. The "exacting scrutiny" that restrictions on speech must pass was not satisfied by any of the justifications offered and the Court in any event found some of them impermissible.

Bellotti called into some question the constitutionality of the federal law that makes it unlawful for any corporation or labor union "to make a contribution or expenditure in connection with any election" for federal office or "in connection with any primary election or political convention or caucus held to select candidates" for such office.[897] The Court had previously passed on several opportunities to assess this restriction,[898] and one of the dissents in *Bellotti* noted the potential conflict.[899] While the dissent's concerns were ultimately realized in *Citizens United v. FEC*,[900] it was only after many years of the Court either distinguishing *Bellotti* or applying it narrowly.

During that interim, the Court first considered challenges to different aspects of the federal statute and to related state statutes, upholding some restrictions on corporate electoral activities, but limiting others. In *FEC v. National Right to Work Committee*,[901] the Court considered the operation of "separate segregated funds" (in common parlance, a Political Action Committee or "PAC"), through which, according to federal law, corporations can engage in specified political activities. The Court unanimously upheld a prohibition on a corporation soliciting money from other corporations for a PAC in order to make contributions or expenditures in relation to federal elections. Relying on *Bellotti* for the proposition that the government may act to prevent "both actual corruption and the appearance of corruption of elected representatives," the Court saw no rea-

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[897] 2 U.S.C. § 441b. The provision began as § 313 of the Federal Corrupt Practices Act of 1925, 43 Stat. 1074, prohibiting contributions by corporations. It was made temporarily applicable to labor unions in the War Labor Disputes Act of 1943, 57 Stat. 167, and became permanently applicable in § 304 of the Taft-Hartley Act. 61 Stat. 159.

[898] All three cases involved labor unions and were decided on the basis of statutory interpretation, apparently informed with some constitutional doubts. United States v. CIO, 335 U.S. 106 (1948); United States v. United Automobile Workers, 352 U.S. 567 (1957); Pipefitters v. United States, 407 U.S. 385 (1972).

[899] *Bellotti*, 435 U.S. at 811–12 (Justice White dissenting). The majority opinion, however, saw several distinctions between the federal law and the law at issue in *Bellotti*. The Court emphasized that *Bellotti* was a referendum case, not a case involving corporate expenditures in the context of partisan candidate elections, in which the problem of corruption of elected representatives was a weighty problem. "Congress might well be able to demonstrate the existence of a danger of real or apparent corruption in independent expenditures by corporations to influence candidate elections." Id. at 787–88 & n.26.

[900] 558 U.S. ___, No. 08–205, slip op. (2010).

[901] 459 U.S. 197 (1982).