# Closing Bribery Loopholes Act - Evidence Card 1

### Tag Line

Anti-corruption legislation that restricts lobbying and fundraising faces strict First Amendment scrutiny and likely fails constitutional requirements

### Verbal Citation

Professor Lillian R. BeVier of the University of Virginia Law School, in her Cato Institute policy analysis "Campaign Finance 'Reform' Proposals: A First Amendment Analysis," states that "In Buckley v. Valeo (1976), the Supreme Court affirmed that giving money to and spending money on political campaigns is a core First Amendment activity. Accordingly, regulations of political contributions and expenditures will not be sustained unless justified by a compelling state interest and crafted to achieve their objective by the least restrictive means."

### What the evidence says in context

Professor BeVier explains that the Supreme Court has established that political contributions and spending are core First Amendment activities, requiring any restrictions to meet strict scrutiny. Anti-corruption laws like the Closing Bribery Loopholes Act that restrict lobbying or fundraising activities must be narrowly tailored to serve compelling government interests using the least restrictive means, a high bar that most such legislation cannot meet.

### Impact

This evidence demonstrates that the Closing Bribery Loopholes Act would likely be struck down as unconstitutional for violating First Amendment protections on political speech and association, creating legal uncertainty and potentially invalidating the entire enforcement scheme.

### Webpage or Book Title

Cato Institute Policy Analysis

### URL or page number

https://www.cato.org/policy-analysis/campaign-finance-reform-proposals-first-amendment-analysis

### Article Title if Applicable

Campaign Finance "Reform" Proposals: A First Amendment Analysis

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