

*Citizens United v. Federal Election Commission*

U.S. Supreme Court  
Decided, January 2010

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5 to 4 decision

- Court held as unconstitutional a key provision of the *McCain-Feingold Bipartisan Campaign Finance Act* that places limits on how much corporations and unions can spend for or against political candidates toward the end of the campaign.
- 5: Roberts, Scalia, Kennedy, Thomas, Alito
- 4 (dissenting): Stevens, Ginsberg, Breyer, Sotomayor.

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*Buckley v. Valeo*  
Decided 1976

- Political contributions are “speech” within the meaning of the 1<sup>st</sup> Amendment. Individual persons can spend as much as they like to express their views on issues and/or candidates.
- Contribution limits just prior to an election were constitutional as they applied directly to all candidates were across the board.
- Additional contributions through a PAC

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**Citizens United**  
A nonprofit corporation

- Produced a video “Hillary” during Clinton’s campaign in 2008

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**Do corporations have the same 1<sup>st</sup> Amendment rights as “real” persons?**

- **Yes:** Corporations are **associations of individuals** and are entitled to the same 1<sup>st</sup> Amendment rights as individuals.
- Any legislation that affects the political process should be “suspect”.
- **No:** The side with more money should not dominate the political process by being able to out-contribute the opponents (a level playing field)
- 1<sup>st</sup> Amendment rights are for “real” persons, not “artificial” persons created the by State.

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