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Montana gave Supreme Court no choice

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USA Today

Published June 28, 2012

The Supreme Court had no choice but to overrule the [Montana Supreme Court](#). Montana argued that it is so corrupt that it can ignore the First Amendment. It would be as if a state argued that its crime rates were so high that it could conduct unreasonable searches without a warrant, or that its courts were so backlogged it could dispense with the right to trial by jury.

Still, some hoped that the nation's highest court would revisit *Citizens United*, its landmark 2010 decision on campaign finance. But why should it? The horror stories critics predicted have not come true.

Corporate money remains a very small part of the total spent on elections, with Fortune 100 money almost non-existent. Voter turnout in the 2010 was the highest in a midterm election since 1994. More House races were competitive in 2010 than we've seen in a generation. Nor is there a flood of secret money into elections. *Citizens United* did not change disclosure laws. Every campaign ad says who paid for it; every "Super PAC" must disclose all donors of more than \$200. Non-profits such as the [NAACP](#) or the [NRA](#) don't disclose their donors, but they never have. The only difference: Before *Citizens United*, these groups ran ads saying, "Candidate X favors gutting national security. Call X, and say 'Stop!' " Now they can run the same ad, but end it more honestly with, "Vote against X."

The court's liberal icon [William Douglas](#) said it well 55 years ago. In *United States v. UAW*, [he urged the court to strike down](#) the statute that was finally eviscerated in *Citizens United*: "Some may think that one group or another should not express its views in an election because it is too powerful, because it advocates unpopular ideas, or because it has a record of lawless action. But these are not justifications for withholding First Amendment rights from any group — labor or corporate. ... First Amendment rights are part of the heritage of all persons and groups in this country. They are not to be dispensed or withheld merely because we or the Congress thinks the person or group is worthy or unworthy."