**Campaign Finance Guide**

**I. Key Campaign Finance Vocabulary**

* *Hard Money* – campaign contributions regulated and limited by the federal government that are given directly to a candidate
* *Soft Money – unlimited and unregulated campaign contributions to federal candidates and the national parties Supposedly for generic “party building” activities (ex: get-out-the-vote drives, bumper stickers, yard signs, and “issue ads”)*
* *Political Action Committee (PAC) –* officially registered fund-raising organization that represents interest groups in the political process.
* *527 Groups – Tax-exempt organizations created to raise money for political activities such as voter mobilization efforts and issue ads*
* *501c Groups – Nonprofit, tax-exempt interest groups that can engage in varying levels of political activity*
* *Super PACs - PACs may raise and spend unlimited sums of money in order to advocate for or against political candidates.*

**II. Important Campaign Finance Laws**

* *Tillman Act (1907) –* the first legislation in the United States prohibiting monetary contribution to national political campaigns by corporations.
* *Federal Election Campaign Act* (1971, 1974) – increased disclosure of [contributions for federal campaigns](http://en.wikipedia.org/wiki/Campaign_finance_in_the_United_States) and 1974 amendments placed legal limits on the campaign contributions.
* *Bipartisan Campaign Reform Act (a.k.a. McCain-Feingold Act)*  – banned national parties and officeholders from raising and spending “soft money,” and prohibited corporations and unions from funding "electioneering communications” within 30 days before a primary or 60 days before a general election.

**III. Campaign Finance Supreme Court Decisions**

* *Buckley v. Valeo* (1976) – candidates spending money to finance their own campaigns is a form of constitutionally protected free speech through the 1st Amendment
* *McConnell v. Federal Election Commission* (2003) - upheld most of BCRA ruling that restrictions on free speech justified by government’s interest to prevent corruption in campaigns
* *Citizens United v. Federal Election Commission* (2010) – ruled spending is protected speech under the 1st Amendment and the government cannot prohibit spending by corporations and labor unions to support or denounce individual candidates in elections

**Does *Citizen United v. F.E.C.* Threaten Democracy?**

**Directions:**

In 2010, the U.S. Supreme Court ruled in *Citizens United v. F.E.C.* that political spending by corporations and labor unions is a form of protected speech under the first amendment. This decision has sparked great debate over the appropriate application of the First Amendment and the inherent fairness of unlimited money injected into political campaigns. This activity requires you to consider the pro’s and con’s of the *Citizen United* decision. You will use sources like the majority and dissenting opinions of the U.S. Supreme Court, relevant articles and video clips to build your argument for the open forum. The class will be divided into two large teams, pro and con, to prepare for and then debate the following sides:

**Side A [Pro]: *Citizen United* protects our First Amendment right of free speech.**

**Versus**

**Side B [Con]: *Citizens United* threatens democracy.**

**Assessment:** You willbring in about two pages of typed notes on Monday 2/22 citing at least **10 pieces of evidence** for an against the case from at least **5 separate sources.** Included in these 5 sources must be the majority and minority opinions.

**Open Forum:**

Each student will be assigned to one side of the argument: in favor of *Citizen United* decision or against it. You personal feelings about this topic are irrelevant for the purpose of this

activity!!!!!

1. Preparation (30-45 minutes) – The class will be divided into both large pro or con teams, and subgroups with that. Each small group will brainstorm as many arguments as possible to support its position. The group will then choose a leader who will argue the groups class in the formal debate.
2. Opening Statements (3-4 minutes per team) – Each group presents its side and supporting arguments.
3. Rebuttal (open to the whole class) – The debate is then opened up to all participants with the following ground rules:
4. No person may speak twice until everyone has spoken once.
5. Sides will alternate comments (if pro person speaks a con person must go next).
6. The speaker will choose the next person

**Recommended Sources:**

* Text Book Chp. 7 207-210 You Decide 211
* *Citizens United v. F.E.C.* Majority Opinion Summary - <http://www.oyez.org/cases/2000-2009/2008/2008_08_205>
* *Citizens United v. F.E.C.* Majority Opinion Text (Justice Kennedy) - <http://www.law.cornell.edu/supct/html/08-205.ZS.html>
* *Citizens United v.* F.E.C. Dissenting Opinion (Justice Stevens) - <https://www.law.cornell.edu/supct/html/08-205.ZX.html>
* “Debating *Citizens United* (several articles with differing views) <http://www.thenation.com/article/157720/debating-citizens-united#axzz2YAPi2Dhu>
* “A Year Later, *Citizens United* Reshapes Politics” - <http://www.npr.org/2011/01/21/133083209/a-year-later-citizens-united-reshapes-politics>
* Bill of Rights and First Amendment - <http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html>
* “The Federalist No. 10” (James Madison) - <http://www.constitution.org/fed/federa10.htm>
* Video clip: “Justice Scalia on *Citizens United*” - <http://www.youtube.com/watch?v=UgQGJjQq4uk>
* Video clip: “Keith Olbermann Comments on *Citizens United*” - <http://www.youtube.com/watch?v=M5Qvrs8Z_N8&list=PLC30A49C12826E4EC>
* Video clip: “*Citizens United v. FEC –* what it means for democracy” - <http://www.youtube.com/watch?v=1nz6LVYD4As>
* NPR *Presidential Candidates Pledge To Undo 'Citizens United.' But Can They?:* <http://www.npr.org/2016/02/14/466668949/presidential-candidates-pledge-to-undo-citizens-united-but-can-they>
* NYT The Families Funding the 2016 Elections: <http://www.nytimes.com/interactive/2015/10/11/us/politics/2016-presidential-election-super-pac-donors.html?_r=0>
* NYT Editorial The Growing Shadow of Political Money: <http://www.nytimes.com/2015/01/25/opinion/sunday/the-growing-shadow-of-political-money.html>