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Jan. 21, 2010

**Driving the Conversation:**

Arena Ref: [Fred Barbash](#)

## Citizens United case: A "small revolution" in campaign finance?

### Plus, more on Mass: Do they get it?

The [Massachusetts edition](#) of Arena is great reading. Take a look [here](#).

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#### Roger Pilon

Vice President for Legal Affairs, Cato Institute :

The ink is barely dry on today's *Citizens United* opinion, and the hysteria has already begun. Set aside the misunderstandings we're seeing in some of the comments here at the Arena -- corporations still cannot, for example, contribute directly to campaigns -- even some of those who understand the law and this decision would have us believe that the world as we know it is coming to an end. Thus, the inimitable Rick Hasen, whose knowledge of these issues is second to none, tells us that "today's Supreme Court opinion marks a very bad day for American democracy." And attorneys at NYU's Brennan Center, which made its reputation promoting campaign finance "reform," head up their post with this: "After the Flood: How to Save Democracy Post Citizens United." One imagines the Dark Ages just beyond the gloaming.

Over on the Hill, meanwhile, Senator Russ Feingold, who's having a bad day in what must for him be a bad week, promises darkly, "In the coming weeks, I will work with my colleagues to pass legislation restoring as many of the critical restraints on corporate control of our

elections as possible.”

Relax. Half of our states, states like Virginia, have minimal campaign finance laws, and there's no more corruption in those states than in states that strictly regulate. And that's because the real reason we have this campaign finance law is not, and never has been, to prevent corruption. The dirty little secret -- the real impetus for this law -- is incumbency protection. How else to explain the so-called Millionaire's Amendment, which the Court struck down in 2008. That little gem in the McCain-Feingold "reform" package exempted candidates (read: incumbents) from the law's strictures if they were running against a self-financed "millionaire," who could not be prohibited from spending his own money campaigning. Thus, the nominal rationale for the incomprehensible edifice we call "campaign finance law" -- to prohibit corruption -- suddenly disappeared if you were running against a millionaire. Well, the Court, fortunately, saw right through that. And a majority on the Court saw the light in today's decision, too. The First Amendment is not a "loophole." It's the very foundation of our democracy, and we are the stronger today for this decision.

Subject	Date
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<a href="#">Open Mic Massachusetts</a>	Jan. 15, 2010
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