

A constitutional amendment to reverse Citizens United?

[Roger Pilon](#) Vice President for Legal Affairs, Cato Institute :

Leave it to liberal Democrats, phony friends of liberty, to destroy the First Amendment. Their true colors emerged with the Federal Election Campaign Act of 1971 - especially with the 1974 amendments. Ever since they've tried, at every level of government, to restrict the rights of Americans to support candidates of their choosing, alone or together with others. And the result is a body of law that is so complex, with such draconian sanctions, that no one would dare run for the lowest office without a gaggle of lawyers behind him to keep him out of jail. What was John Edwards just tried for, infidelity? No, campaign finance violations.

Today, these phonies complain about "super PACs." Why do we have those? Because people can't give unlimited amounts directly to candidates. And the candidates complain that they have no control over what their independent "friends" say, often to their detriment - because the law requires their friends to be "independent" of the candidate. And on it goes, with one restriction after another, all to prevent "corruption," we're told - corruption that no one can quite seem to locate.

It's time to bring this farce to an end and restore the political freedom the First Amendment was written to protect. The Supreme Court can do that with the Montana case now before it on a petition for certiorari. It can take the case, not to reverse Citizens United, as liberal Democrats plus the hapless John McCain hope, nor even to summarily reverse the insubordinate Montana Supreme Court, but to revisit the errors it made in Buckley v. Valeo in 1976 when it upheld many of the 1974 FICA amendments.

There never was a campaign finance problem, as states with minimal restrictions have made clear to this day. There was an incumbents facing well-funded challengers problem, and that's the dirty little secret of this whole sordid business.