

# THE RAW STORY

## FEC vice chair Don McGahn: Opponents of Citizens United ruling want to ‘silence speech’

By Eric W. Dolan January 24, 2013

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Donald McGahn, the Republican vice chair of the Federal Election Commission, defended the Supreme Court’s controversial Citizens United decision in video published Thursday by the Cato Institute.

The Supreme Court held in 2010 that restrictions on independent political spending by corporations and unions violated the First Amendment. The ruling paved the way for Super PACs, which can receive unlimited sums of money to influence elections as long as they do not coordinate with a candidate’s campaign.

Many Democratic members of Congress have vowed to overturn the ruling with a constitutional amendment or pass legislation to deflect what they perceive as its harmful effects.

“There will be some in Congress who introduce bills for more disclosure,” McGahn said. “That seems to be the theme. Some have made no bones that they are attempting to reverse Citizens United and still silence the same speech the Supreme Court recognized as being protected by the First Amendment.”

McGahn said the distinction between a nonprofit corporation and the media were murky at best, particularly with the continuing “corporatization” of news outlets.

“The court really picked up on this. How can you silence Citizens United from saying things about Hillary Clinton when the nightly news says that and more about everyone? You’re selecting different speakers for regulation.”

The group Citizens United argued it was unfair that filmmaker Michael Moore could produce a movie like Fahrenheit 9/11, which sharply criticized President George W. Bush, yet they could not broadcast commercials for a similar film about Hillary Clinton within 30 days of a primary. Citizens United was prohibited from airing the commercials because it was a nonprofit organization subject to campaign finance laws, while Moore's film "represented bona fide commercial activity," according to the FEC.

"At the end of the day, one of the most important parts about Citizens United, it didn't create this idea of corporate personhood and all this other stuff that the editorial boards tend to sell to the public, what it said is that the rights the media have had for a long, long time, everyone else now has," McGahn concluded.