



THE OKLAHOMAN

Citizens United remains one of Democrats' favorite boogeymen

August 1, 2016

ONE of Democrats' favorite boogeymen is the Supreme Court's 2010 ruling in *Citizens United v. the Federal Election Commission*, which they portray as one of the worst decisions in the court's history and one that will mean the ruin of American politics. It was mentioned several times during the party's convention nominating Hillary Clinton as president.

One in particular came from comedian Sarah Silverman on the convention's opening night. Speaking in support of Bernie Sanders, Silverman said the Vermont senator “proved that Citizens United is in fact not a necessary evil,” an allusion to Sanders' heavy reliance on grassroots fundraising.

“And by the way,” Silverman continued, “Citizens United, isn't that such a beautiful name for something that means billionaires buying politicians?” The ruling “rails against the very spirit of our democracy. And I'm very glad that Hillary has vowed to overturn it.”

Citizens United struck down limits on independent political spending by businesses and unions. The ruling gave voice to groups like the Teamsters, Club for Growth or the Sierra Club. It *broadened* free speech related to elections, and that's a positive.

Silverman's “billionaires buying politicians” line got a few laughs from the crowd, as expected, but it struck us as particularly rich because she and her ilk have no problem with ultrawealthy liberals donating large sums to liberal politicians, whether as individuals or through super PACs. George Soros, for example, plans to spend more than \$25 million this year helping Clinton and other Democratic candidates and causes, Politico reported. Where were the complaints four years ago about Barack Obama raising more than \$1 billion for his re-election campaign?

It was Obama who famously sounded the alarm about Citizens United when he called out the high court's justices during his 2011 State of the Union speech. He warned it would “open the floodgates of special interests ...” Opponents have run with that narrative ever since. Say something often enough, and maybe it'll stick.

But as Bradley A. Smith, former chairman of the Federal Election Commission, noted in a Reuters article last year as the five-year anniversary of the decision approached, “political spending has not exploded under Citizens United.”

Instead, Smith noted that total political spending in 2014, after adjusting for inflation, was only 1.5 percent higher than in 2006, which was the last midterm election before Citizens United.

Supposedly ruinous “outside spending” hasn't choked the system, either. It comprised 13 percent of total political spending in 2014, Smith said. In 2000, a decade before Citizens United, the total was 17 percent.

Opponents often make the argument that organizations aren't people, and thus the notion of political speech shouldn't apply. That's ridiculous. “People don't lose rights when they get together,” Cato Institute senior fellow Ilya Shapiro noted in USA Today last year, “be it in unions, advocacy groups, private clubs, for-profit enterprises or any other way.”

Yet this ruling rests squarely in Democrats' cross hairs. Clinton railed at the convention against big money in politics — she is mute, however, on the Clinton Foundation's contribution to this “problem” — and promised to work to overturn Citizens United. But she's not stopping there. She has said she'd like to see a constitutional amendment allowing the government to determine who can spend money in elections, and wants the Securities and Exchange Commission to make companies disclose publicly all their political giving.

The clear goal is to squelch free-speech protections provided by the First Amendment. There's nothing funny about that.