

# McCutcheon v. Federal Election Commission / Supreme Court voted correctly

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< McCutcheon v. Federal Election Commission

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## Position: Supreme Court voted correctly

*This position addresses the topic McCutcheon v. Federal Election Commission.*

For this position

“ Breyer complains that the Court's ruling "substitutes judges' understanding of how the political process works for the understanding of Congress." You bet. That's the Court's role when the rights of individuals are threatened. Members of Congress will favor self-serving rules that protect their own re-elections and big-government agendas. The constitutional rights of opponents be damned. ”

From Democrats Like Money Only When It's Spent On Them, by Betsy McCaughey (*Investor's Business Daily*, April 8, 2014) (view)

“ This ruling will boost contributions to candidates of both major parties, the howls of Democrats notwithstanding. That money, in turn, will fund more political speech. Far from a threat to democracy, more speech strengthens it. And the elimination of the total contribution cap will benefit political challengers; donors have always been inclined to provide protection money to incumbents first. ”

From Victory for free speech, by Las Vegas Review-Journal editorial board (*Las Vegas Review-Journal*, April 4, 2014) (view)

“ The rules are made for the rule-abiding, and a rule-abiding politician can use money from campaign contributions only in efforts to persuade the voters. In other words, not only is campaign spending speech — it is *only* speech. That's all the money is good for. And the voters have it within their power to ignore this speech and make all that contribution money worthless. ”

From The solution to money in politics, by Michael Kinsley (*The Washington Post*, April 4, 2014) (view)

“ The critics of the decision object to it partly on egalitarian grounds: Very few donors have the resources to contribute enough to bump up against the aggregate limits, so the decision gives disproportionate influence to a few people. A free political system always has such disparities. Should Thomas Paine have been silenced, since his incredible rhetorical powers made him more influential than other pamphleteers? Should The New York Times be shuttered, since it exercises more power than almost anyone else in New York? ”

From That pesky 1st Amendment: Liberals' gripe with free speech, by Rich Lowry (*New York Post*, April 4, 2014) (view)

“ Ultimately, this decision is a significant victory for the First Amendment. Perhaps more important than the immediate result is the insistence that the government must have an actual, rather than conjectural, theory of corruption to be prevented. The “monsters under the bed” theory of constitutional jurisprudence seems headed for the dustbin. ”

From Free Speech at Last: McCutcheon Decision Just Right, by Bradley A. Smith (*National Review*, April 2, 2014) (view)

“ Right now, the interests that take most advantage of campaign finance restrictions are powerful unions with a vested interest in big government, like AFSCME and the NEA public school teachers' union, and trial lawyers seeking settlements from businesses. And they strongly favor liberal Democrats. Now that the public will be able to see more money going directly to candidates, we can expect the debate to focus more on ideas. ”

From Free Speech Wins Big In Supreme Court Campaign Ruling, by Investor's Business Daily editorial board (*Investor's Business Daily*, April 2, 2014) (view)

## Against this position

“ This, to paraphrase Massachusetts Sen. Elizabeth Warren (D), is why the system is rigged. Metastasizing money drowns out the voices of actual Americans, and suffocates policies such as raising the minimum wage and equal pay that would benefit workers. It also skews the playing field, not just between the haves and have-nots, but also between male and female candidates. ”

From The war against American citizens, by Katrina vanden Heuvel (*The Washington Post*, April 8, 2014) (view)

“ The think tank Demos calculates that if *McCutcheon* had been handed down in 2012, the 1,219 biggest donors that year could have given more than the amount 4 million small donors gave to the Obama and Romney campaigns. The Court will now allow the 1 percent to buy even more access to elected officials—more than ordinary voters and small donors can ever dream of. The weakening of campaign finance laws tracks with the widening income gap, as the wealthiest have secured policies—from lower taxes to deregulation—to enrich themselves at the expense of everyone else. ”

From How the Supreme Court Blowtorched Democracy and What You Can Do About It, by The Nation editorial board (*The Nation*, April 8, 2014) (view)

“ Money is not speech, no matter what any court rules. Money can buy speech, such as advertisements, and can amplify speech, but it is a stretch of the imagination to say money is speech. By equating money to speech, the court saying that the rich have a greater right to speech than other people by elevating their right to exercise it one check at a time. ”

From Court deals a blow to free speech, by Las Vegas Sun editorial board (*Las Vegas Sun*, April 6, 2014) (view)

“ Roberts writes as if he is defending the First Amendment rights of all of us. But how many people are really empowered by this decision? According to the Center for Responsive Politics, 1,715 donors gave the maximum amount to party committees in 2012, and 591 gave the maximum amount to federal candidates. The current estimate of the population of the United States stands at more than 317 million. ”

From Supreme oligarchy, by E. J. Dionne (*The Washington Post*, April 6, 2014) (view)

“ In a system where money is considered speech, and corporations are people, this trend is inevitable. Elections become not a system of participatory engagement determining how the country is run, but the best democratic charade that money can buy. ”

From Thought money could buy an American election? You ain't seen nothin' yet, by Gary Younge (*The Guardian*, April 6, 2014) (view)

“ The Supreme Court’s controversial Citizens United decision, in 2010, upheld the right of independent organizations — groups that may be excluded from standard political circles — to spend unrestricted amounts of money to express their views in political campaigns. In practice, the ruling prompted establishment candidates to set up nominally independent super PACs, collecting gobs of cash from heaven knows whom. The McCutcheon case is likely to yield the same kind of innovation. ”

From Supreme Court ruling ignores real world of campaign cash, by The Boston Globe editorial board (*The Boston Globe*, April 4, 2014) (view)

“ In McCutcheon, *Roberts* oversaw the metastasis of Kennedy’s unrealistic test from expenditures to contributions. A politician receiving one humongous check, with proceeds to be distributed among candidates and party committees, will naturally be “grateful” to the donor but will not feel “obligated” in a way that constitutes corruption, he asserted, happily substituting his judgment about what is corrupting for that of members of Congress who might actually know. ”

From The real danger behind the ‘McCutcheon’ ruling, by Ruth Marcus (*The Washington Post*, April 4, 2014) (view)

“ The Federal Election Commission believes, as do most Americans, that campaign spending limits help keep elections more fair; ideally your vote should have no less impact than that of someone with a hundred or a thousand times your income. But the majority of Supreme Court members don’t see it that way; they believe that campaign finance limits restrict “free speech.” This is the same argument used to defend the marketing of junk food to children. ”

From Why Care About McCutcheon?, by Mark Bittman (*The New York Times*, April 22, 2014) (view)

“ Third and most dramatically, the court seems to open the door for a future challenge to what remains of the McCain-Feingold law: the ban on large, “soft money” contributions collected by political parties. These contributions were banned because it had become clear that political parties were becoming conduits for access between elected officials and big donors. ”

From Die Another Day, by Richard L. Hasen (*Slate*, April 2, 2014) (view)

Mixed on this position

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