

Money talks

## **Eroding campaign finance rules gives wealthy donors more power. It may also generate cynicism and political disengagement.**

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One person, one vote: this principle is the bedrock of American democracy. The intent is to ensure that each citizen has as much say as any other, regardless of social or economic status. Consistent with that aim, campaign finance laws have sought to limit the exorbitant power that wealthy individuals and corporations can exert on the political process.

Campaign finance rules have been seriously eroded of late, however, and they were further diluted by the Supreme Court's 5-4 decision to strike down limits on how much money donors can contribute to individual political candidates, political parties, and political action committees. Prior to the court's April ruling in *McCutcheon v. Federal Elections Commission*, donors were limited to a maximum of

\$48,600 in contributions to individual candidates during a two-year election cycle. The court declared that limit to be a violation of donors' free-speech rights under the First Amendment.

While the court left in place the cap of \$2,600 on how much an individual can give to each political candidate, contributors can now give to as many candidates and political action committees as they wish up to \$2.4 million. Wealthy political donors will be able to hedge their bets and contribute to as many candidates as they wish—and in turn shape public policy to their interests.

In its ruling, the court said Congress should worry only about “quid pro quo” corruption—“a direct exchange of an official act for money.” The fact that campaign contributions give wealthy individuals a significant leg up in influence and access—as many members of Congress freely acknowledge—does not constitute corruption in the eyes of the court.

Paired with the 2009 ruling in the *Citizens United* case—which gave corporations and labor unions the right to finance their own electioneering activities—the court's April ruling brings us closer to the crossroads outlined by former chief justice Louis Brandeis, who said: “We can have democracy in this country, or we can have great wealth concentrated in the hands of a few, but we can't have both.”

In his dissent from *McCutcheon*, Justice Stephen Breyer took a more realistic view than did the majority: “There [is] an indisputable link between generous political donations and opportunity after opportunity to make one's case directly to a member of Congress,” he wrote. “Where enough money calls the tune, the general public will not be heard.”

The danger, according to Breyer, is not only that wealthy people will have undue influence but also that the widespread appearance of corruption will generate cynicism and political disengagement on the part of citizens.

Liberals are sometimes accused of having a too-rosy view of human nature. But in this case the “liberal” argument for campaign finance law is based on realism about human nature and politics.