

# The Road to the White House

## Free Speech & Campaign Finance Reform

**Critical Engagement Question:** Do proposed campaign finance reforms promote or hinder free speech in the political arena?

### Overview

Since the Federal Election Campaign Act of 1971 (FECA), Congress has pressed for legislation to limit the financial contributions individuals can make to political campaigns in order to lessen the influence of money in politics. Although the Supreme Court struck down major provisions of this act construed as unconstitutional restrictions on free expression and association, several amendments to FECA over the past thirty years have bolstered its main tenets. For example, the Bipartisan Campaign Reform Act of 2002 (also known as McCain-Feingold) addressed the issue of “soft money” and banned the broadcast of “issue ads” within a certain time period before an election.

Despite such amendments, pertinent questions still remain. Chief among them is: Are political contributions a form of free speech that merit protection under the First Amendment? And, if so, is there adequate justification to limit what individuals, groups, and organizations may give in support of a political candidate or issue?

### Objectives

- To familiarize students with key terms and concepts associated with campaign finance reform.
- To aid students in understanding the connection between free speech and campaign financing.
- To enable students to identify both the potential positive and negative impacts of reform efforts.
- To assist students in evaluating arguments for and against campaign finance reform.

### Standards

NCHS: Era 10, Standard 2D, 2E

NCSS: Strands 5, 6, and 10

Illinois: Goal 14, Standard C, D, and F; Goal 18, Standard B

### Student Materials

Internet access

Worksheets A and B

### Time and Grade Level

Two 45-minute class periods with pre- and post-activities.  
Recommended for grades 9–12.

### Warm-Up

1. Define the following terms: interest groups, political action committees, soft/hard money, public financing, and issue ads. Discuss the significance of these terms as they relate to political campaigns.
2. Distribute brief summaries of *Buckley v. Valeo* (1976), *McConnell v. Federal Elections Commission* (2003) and *Citizens United v. Federal Election Commission* (2010). Have students review each summary in groups of two or three. Once finished, conduct a discussion of the case backgrounds and main arguments.

### Activity

1. Instruct students to complete the Key Concepts and Terms worksheet in pairs, using the Web resources listed below and on the worksheet itself. Once completed, review each term with the class so as to familiarize everyone with their importance.
  - Center for Responsive Politics: [OpenSecrets.org](http://OpenSecrets.org)
  - Federal Election Commission: [FEC.gov](http://FEC.gov)
  - Campaign Finance Institute: [CFInst.org](http://CFInst.org)
  - Oyez: U.S. Supreme Court Media: [Oyez.org/cases](http://Oyez.org/cases)
2. As a class, review the Web site [OpenSecrets.org](http://OpenSecrets.org), which tracks individual contributions to campaigns, as well as contributions made by political action committees and private industries. Students should become familiar with how to navigate the site, especially the “Politicians and Elections” and “Influence and Lobbying” tabs. This can be accomplished through a teacher-guided exploration of the site, or by having students work in pairs.
3. In the computer lab, distribute the Following the Money worksheet to each pair of students. Students are to look up their preferred presidential candidate and complete the worksheet by finding the information on the [OpenSecrets.org](http://OpenSecrets.org).
4. Finally, distribute and have students complete the Concluding Questions worksheet alone or in pairs. Later, discuss their responses as a class.

### Homework

Have each pair of students write a 1-page report on the presidential candidate they researched. This report should be a brief summary of (1) the contributions made to this candidate by individuals, political action committees and private industries and (2) how much he/she spent to date in the current campaign. Other relevant discussion points may be added by the teacher, such as the First Amendment right of interest groups to petition the government for redress of grievances, a practice that often assumes the more pejorative term of “lobbying.” Students should be prepared to share their findings with the class.

### Extensions

1. Have students choose a Super PAC on which they will do an in-depth study. Information on various Super PAC’s can be found at <http://www.opensecrets.org/pacs/superpacs.php?q|3>. This study can be in the form of a report or poster.
2. Watch and discuss the documentary *Moyers on America: Capitol Crimes*. This video can be accessed online at [pbs.org/moyers/moyersonamerica/capitol/index.html](http://pbs.org/moyers/moyersonamerica/capitol/index.html). This documentary addresses campaign financing and the influence of money in politics, as well as the Jack Abramoff scandal and its fallout.
3. Research new laws regulating campaign finance reform for state races.

# Free Speech & Campaign Finance Reform: Key Concepts and Definitions

Name

## Directions:

Write the definition for each term below. Once completed, fill in the timeline at the bottom of the worksheet with all important events and dates discussed in class. Please use the following Web sites as sources for information.

Center for Responsive Politics: [OpenSecrets.org](http://OpenSecrets.org)  
Federal Election Commission: [FEC.gov](http://FEC.gov)  
Campaign Finance Institute: [CFInst.org](http://CFInst.org)  
Oyez: U.S. Supreme Court Media: [Oyez.org/cases](http://Oyez.org/cases)

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First Amendment:

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Interest Groups:

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Soft and Hard Money:

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Public Financing:

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Political Action Committees (PACs):

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Federal Election Campaign Act (FECA, 1971):

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Federal Election Commission (FEC):

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*Buckley v. Valeo* (1976)

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Bipartisan Campaign Reform Act (McCain-Feingold, 2002):

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*McConnell v. Federal Election Commission* (2003):

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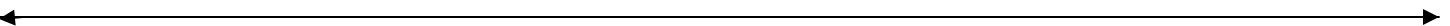
*Citizens United v. Federal Election Commission* (2010):

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Super PACs:

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## Campaign Finance Reform Timeline



1971

2012

# Following the Money: A Worksheet for OpenSecrets.org

Name

**Directions:** Select your preferred 2012 presidential candidate. Complete this worksheet for his/ her campaign financing, using information found on the Web site OpenSecrets.org.

Presidential candidate's name:

Total amount raised to date:

Amount contributed by political action committees (PACs):

Money contributed by individual candidate:

How much money does the candidate have on hand to spend in the balance of this election cycle?

How does the candidate's fundraising totals compare with his/ her competitors?

What is the balance between small and large individual contributions to the candidate? Why might this matter?

Have any Super PACs been formed in support of this candidate? List them and the money they have raised to date. What impact might Super PACs have on the 2012 race?

How complete are the candidate's financial disclosures to date? Why is transparency around campaign finance sources and expenditures important to voters?

Peruse the candidate's personal finances. Is there anything here that captures your attention? Explain. To what degree are personal financial records important in candidate selection?

# Concluding Questions: Free Speech & Campaign Finance Reform

Name

Should private companies, corporations, and labor unions be able to give as much money as they wish to candidates sympathetic to their interests?: List three arguments, in favor, and three in opposition, to the free flow of money from these sources to individual candidates.

In Favor	In Opposition

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Do you believe these companies, corporations, industries, and labor unions hope to receive political favors in return for the financial contributions? If so, what form might they take?

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Do limitations on campaign contributions from individuals who represent certain companies, industries, and labor unions infringe upon their First Amendment freedom of speech? Explain.