Plan for the Day

- Reading Quiz
- Go over learning outcomes
- Announcements
- Answer questions from lecture this week and/or the reading
- Discuss Levitt (2010) and *Citizens United*
Reading Quiz

- Clearly write your name at the top of the quiz
- Turn your quiz over when you are finished
- Good luck!
Learning Outcomes

By the end of section today, you should be able to:

- Summarize Levitt’s argument about the impact of *Citizens United*
- Describe the four fears stemming from *Citizens United*
- Explain Levitt’s proposed remedies to each fear
Announcements

- Reminder: Office Hours are Wednesdays 2pm-4pm in SSB 341, or by appointment (tfeenstr@ucsd.edu).
- If you emailed me a rough draft of your essay, you should have received feedback—if not, let me know.
- Essays are due in section in Week 9—let me know how I can help.
- Midterms passed back at the end of section today. You can see the multiple choice section in office hours.
What questions do you have from lecture or from the reading this week?
Citizens United

Remind me what Citizens United was all about.
Remind me what *Citizens United* was all about.
Levitt’s (2010) Argument

“Although the decision was a bold stroke in many ways, its impact on the scope of permissible campaign finance regulation is far less substantial than commonly assumed” (Levitt, 2010, pp. 217).

What does this mean?

“Even if *Citizens United*’s incremental impact is mild, it nevertheless has the feel of a final straw” (Levitt, 2010, pp. 217).

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What does this mean?

Incremental impact is mild

Feel of a final straw
Why did the decision feel more substantial?

Populist environment
Case’s aggressive procedural approach
Case’s sweeping rhetoric

"In eliminating the ban on corporate express advocacy, Citizens United eliminated the final extant prohibition on independent corporate political speech" (pp. 223).

CU took on the perceived sins of the whole line of decisions expanding corporate rights in the political marketplace.
Why did the decision feel more substantial?

- Populist environment
- Case’s aggressive procedural approach
- Case’s sweeping rhetoric
- “In eliminating the ban on corporate express advocacy, *Citizens United* eliminated the final extant prohibition on independent corporate political speech” (pp. 223).
  - CU took on the perceived sins of the whole line of decisions expanding corporate rights in the political marketplace
Four Fears the Decision Fostered

1. "Corporations will completely dominate political communication in a particular race, squeezing out alternatives" (pp. 224).
2. "Corporations will spend enough on speech to cause voters to elect the candidate preferred by the corporations" (pp. 225).
3. "Corporations will spend enough on speech favorable to the winning candidate that the candidate will support the corporation's interest at the expense of the interests of the electorate, in order to incur similar future support" (pp. 230).
4. "Corporate spending will unduly divert incumbents' time from their governmental duties to raising funds" (pp. 232).

With the person next to you, (1) choose a fear, (2) rewrite the fear in your own words, (3) discuss why this fear was relevant—what was the problem?, (4) write down Levitt's proposed remedy, (5) discuss whether you think that remedy would work.
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# Levitt’s Proposed Remedies

<table>
<thead>
<tr>
<th>Fear</th>
<th>Remedy</th>
<th>Plausible?</th>
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<tr>
<td>Corporations will dominate communication, squeezing out alternatives</td>
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<td>Corporations will cause voters to elect the candidate the corporations prefer</td>
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<td>Corporations will spend enough on speech favorable to the winning candidate that s/he will support the corporation’s interest at the expense of voters</td>
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<td>Corporate spending will divert incumbents’ time from governing to fundraising</td>
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Questions to Ponder

- Which types of representation might money in politics, or *Citizens United* specifically, impact? In what ways could it make elected officials more or less representative of the public? Congress 1 lecture.

- In what ways does agency loss relate to the relationship between corporations and elected officials? What does this mean for representation? Would fire alarms or police patrols be more useful in this context? (Connects to early discussions of agency loss, constitutional design, bureaucracy, etc.)

- On which branches of government do you think *Citizens United* had the biggest impact? Why? In what ways does it affect each branch? (Connects the whole course, particularly the branch-specific lectures on the Judiciary, Presidency, and Congress.)