



Opinion

Letters to the Editor

Voters, not the Supreme Court, should decide if elections are for sale

Even if money is speech, that doesn't make it good for democracy.

51 minutes ago

Regarding George F. Will's June 15 op-ed "[Peak absurdity reaches the Supreme Court](#)":

Will's defense of unlimited political spending wrongly frames the central question. This isn't about whether money equals speech. It's about who gets to make policy decisions in a self-governing society: elected representatives, or unelected judges.

While Will devoted a great deal of space to the First Amendment, the core issue here is about jurisdiction, not speech. Whether and how to regulate corporate or union spending in elections, how much individuals can contribute to campaigns, or what disclosure requirements to set — these are fundamentally *policy questions* that reasonable people can disagree about in good faith. They don't have predetermined answers in the First Amendment's text or original meaning.

In the 1976 *Buckley v. Valeo* decision, the court essentially declared itself the nation's chief campaign finance regulator, using First Amendment interpretation as the vehicle. But nowhere in the Constitution's text or the [founding-era understanding of free speech](#) can we find justification for judges micromanaging how Americans structure their elections.

Will correctly identifies the potentially self-interested nature of incumbent-written laws, but somehow misses that when unelected judges write campaign finance policy, that creates an even more problematic accountability gap. When legislators make bad policy about campaign finance, voters can replace them. When the Supreme Court makes bad policy, we're stuck with it for decades.

The fundamental problem with Will's framework is its denial of choice by a self-governing people. By treating campaign finance regulation as constitutionally forbidden rather than politically contestable, he removes these decisions from the democratic process entirely. He requires a one-size-fits-all approach in every jurisdiction across the country. This violates the core principles of popular sovereignty and federalism that our Constitution was designed to preserve.

The answer to the public's widespread concern about the role of money in politics isn't to consign these questions to an unelected judiciary and hope for the best. Instead, a new amendment to the U.S. Constitution — like the For Our Freedom Amendment my organization has proposed — should clarify that campaign finance policy belongs with the American people and their chosen lawmakers, not appointed judges. Such an amendment wouldn't mandate any particular regulations; it would simply return these policy questions to the democratic process where they belong.

This approach would allow the experimentation and error-correction that Will claims to value. States and Congress could try different approaches, learn from results and adjust accordingly. Bad policies, as determined by the relevant constituency, could be repealed through the normal legislative process rather than decades-long campaigns to change the Supreme Court's mind or composition.

When courts remove contentious policy questions from democratic debate, they don't eliminate politics. They just move it to less accountable venues. The result is exactly what we see today: Americans across the political spectrum frustrated by their inability to address money in politics through the normal channels of self-government.

The Supreme Court's campaign finance jurisprudence has created a system where the elite can now spend unlimited sums influencing elections while everyday Americans feel increasingly unheard and left behind. Real constitutional conservatism would restore questions about the role of money in politics back to elected lawmakers, and would trust the American people to govern themselves.

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