**How Money Shapes Our Elections: Understanding "Citizens United" and "Dark Money"**

By Jeffrey R. Orenstein, Ph.D.

Ever wonder how much money influences who runs, who gets elected and what policies get made? It's a big question that revolves around **campaign finance**. This is the system that controls how money is raised and spent to influence our elections. For a long time, the U.S. has been trying to balance two important things: protecting everyone's right to speak freely and preventing rich individuals or groups from having too much power in our democracy.

This balancing act changed dramatically in 2010 with a major Supreme Court decision called Citizens United v. Federal Election Commission. This ruling shook up the rules of campaign finance and opened the door for a lot more money to flow into our elections.

**Before "Citizens United": Rules to Limit Influence**

Before 2010, there were laws in place to try and keep big money from dominating politics. The main laws were the Federal Election Campaign Act (FECA) of 1971 and a later update, the Bipartisan Campaign Reform Act (BCRA) of 2002 (also known as McCain-Feingold).

The main idea behind these laws was to:

* Limit how much money people and groups could directly give to candidates and political parties. This "hard money" was capped to prevent outright corruption or the appearance of it.
* Make sure people knew who was donating money. This helped the public see where candidates were getting their support.
* Stop "soft money," which was unregulated money given to political parties for general activities that often helped candidates indirectly.
* Prevent corporations and unions from using their general funds for ads that mentioned candidates close to an election.

In essence, before Citizens United, the belief was that limiting money in politics was necessary to make sure everyone had a fair shot and that people trusted our election system.

**"Citizens United": A Game Changer**

Then came the Citizens United Supreme Court case in 2010. It started with a conservative non-profit group, Citizens United, that wanted to show a film criticizing Hillary Clinton during the 2008 presidential primary. Under the old laws, they couldn't.

The Supreme Court, in a 5-4 decision, ruled that corporations and unions have the same free speech rights as individuals. They argued that stopping these groups from spending their own money on political ads, as long as they weren't directly working with a candidate's campaign, was against the First Amendment. The Court believed that this "independent spending" wouldn't lead to corruption.

This decision essentially struck down key parts of the McCain-Feingold law, especially the ban on corporations and unions spending their own money on independent ads in federal elections.

**What Happened After "Citizens United": Super PACs and Dark Money**

The Citizens United decision completely changed how campaigns are funded. Here are the two biggest impacts:

* The Rise of Super PACs: These are groups that can raise and spend unlimited amounts of money from corporations, unions, and individuals to support or oppose political candidates. The catch is they're not supposed to coordinate directly with campaigns. However, it's widely believed that some "indirect coordination" happens, even if it's hard to prove.
* The Growth of "Dark Money" Groups**:** These are groups, often called 501(c)(4) social welfare organizations, that can also spend unlimited amounts on political activities. The big difference is they don't have to tell anyone who their donors are. This makes it incredibly difficult for the public to know who is really funding certain political messages and, by implication, why they are doing it.

Since Citizens United, we've seen a massive surge in outside spending, with billions of dollars pouring into elections from sources that are often hidden.

**The Ongoing Debate: Free Speech vs. Fair Elections**

The impact of Citizens United is still a hot topic:

* Supporterssay it protects free speech, allowing more voices to be heard and giving voters more information. They argue that limiting spending is like censorship and that the marketplace of ideas should be open to everyone.
* **Critics, however, argue** that the decision has given too much power to wealthy donors and special interests, making it harder for everyday citizens and candidates to be heard. They believe that unlimited spending creates an unfair playing field, making it tougher for many candidates to compete and increasing the chances that politicians will listen more to their financial backers than to the people who elected them.

In reality, this often means that national political parties focus on candidates who can raise huge amounts of money, sometimes overlooking candidates with great ideas but smaller bank accounts. Candidates also have to spend so much time raising money that they have less time to develop policies and connect with voters. There's a constant concern about corruption, or at least the appearance of it, when large sums of undisclosed money are influencing our elections.

Citizens United has truly revolutionized how American campaigns are financed. Instead of trying to limit contributions and make things transparent, we now have a system with unlimited independent spending and the rise of Super PACs funded by hidden "dark money." This has sparked a continuous debate about the fundamental balance between free speech and fair democracy. Since the Supreme Court made this decision, those who oppose it face the very difficult task of passing a constitutional amendment to reverse it.

Understanding how campaign finance works today is crucial to understanding American democracy as we currently practice it.