

# Court Declines to Revisit Its Citizens United Decision

Brendan Hoffman for The New York Times

WASHINGTON — In a [brief unsigned decision](#), the Supreme Court on Monday declined to have another look at its blockbuster 2010 campaign finance decision, [Citizens United v. Federal Election Commission](#).

In the 5-to-4 ruling on Monday, the court summarily reversed a decision of the Montana Supreme Court that had upheld a state law limiting independent political spending by corporations. That decision, the [United States Supreme Court](#) said, was flatly at odds with Citizens United, which said the First Amendment allows corporations and unions to spend as much as they like to support or oppose political candidates.

“The question presented in this case is whether the holding of Citizens United applies to the Montana state law,” the opinion said. “There can be no serious doubt that it does.” Montana’s arguments, the opinion continued, “either were already rejected in Citizens United, or fail to meaningfully distinguish that case.”

The four members of the court’s liberal wing dissented in an opinion by Justice Stephen G. Breyer, who said that Citizens United itself had been a mistake.

“Even if I were to accept Citizens United,” Justice Breyer continued, “this court’s legal conclusion should not bar the Montana Supreme Court’s finding, made on the record before it, that independent expenditures by corporations did in fact lead to corruption or the appearance of corruption in Montana. Given the history and political landscape in Montana, that court concluded that the state had a compelling interest in limiting independent expenditures by corporations.”

Justice Breyer added, “Montana’s experience, like considerable experience elsewhere since the court’s decision in Citizens United, casts grave doubt on the court’s supposition that independent expenditures do not corrupt or appear to do so.”

Critics of the Supreme Court’s campaign finance rulings attacked Monday’s decision, saying Citizens United had led to unprecedented levels of outside money pouring into the presidential campaign and races for the House and Senate — the vast majority of it raised not from corporations but from wealthy individuals and spent by “[super PACs](#)” and other independent groups.

Democrats in Congress have proposed measures to rein in campaign spending, strengthen disclosure requirements and even amend the Constitution to reverse Citizens United.

In Montana, the State Supreme Court had ruled that the state’s distinctive history and characteristics warranted a departure from the principles announced in Citizens United.

Chief Justice Mike McGrath of the Montana Supreme Court, writing for the majority in its 5-to-2 ruling, stressed that the state’s experience of having its political system corrupted by corporate interests early in the 20th century justified the ruling.

“At that time,” Chief Justice McGrath wrote, “the state of Montana and its government were operating under a mere shell of legal authority, and the real social and political power was wielded by powerful corporate managers to further their own business interests. The voters had more than enough of the corrupt practices and heavy-handed influence asserted by the special interests controlling Montana’s political institutions.”

This year, by coincidence, in a hotly contested election for a United States Senate seat in Montana, Senator Jon Tester, a Democrat, has been the target of \$2.6 million in spending by outside groups. On Monday, he said that the Supreme Court decision had “rolled back Montana 100 years, back to the time literally when millionaires and billionaires bought elections, and they did it under the guise of free speech, which is crazy.”

In February, two of the dissenters in *Citizens United* — Justice Ruth Bader Ginsburg, joined by Justice Breyer — issued a statement explaining that “lower courts are bound to follow this court’s decisions until they are withdrawn or modified.”

They added, though, that the United States Supreme Court should use the Montana case to consider the aftermath of *Citizens United*. The case, they wrote, was “an opportunity to consider whether, in light of the huge sums deployed to buy candidates’ allegiance, *Citizens United* should continue to hold sway.”

A spokesman for President Obama, Eric Schultz, said, “We are disappointed that the Supreme Court did not take the opportunity presented by the Montana case to revisit its decision in *Citizens United*.”

Mr. Schultz said that since that decision in 2010, “we have seen unprecedented amounts of campaign spending, often by groups that won’t disclose their donors. *Citizens United* was wrong when it was decided, and as two Supreme Court Justices have observed since, independent expenditures by corporations are threatening the health of our democracy.”

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