

# High Court Erases State's Corrupt Practices Act

The U.S. Supreme Court [summarily reversed](#) the Montana Supreme Court's ruling that held that the higher court's Citizens United decision did not invalidate Montana's Corrupt Practices Act.

Passed by a citizen's initiative and referendum in 1912, Montana's Corrupt Practices Act outlawed independent expenditures by corporations in political elections.

[Citizens United vs. Montana](#) from [Bruce Prescott](#) on [Vimeo](#).

The referendum followed the refusal of the U.S. Senate to seat multi-millionaire William Clark because his election (1899) was the product of blatant bribery.

[Reputable accounts of Montana history](#) disclose that Montana copper barons, among whom Clark was most notorious, "used their fabulous wealth to buy courts, newspapers, politicians, banks, police and anything and anyone that could help them or hinder their opponents."

Clark himself reportedly boasted, "I never bought a man who wasn't for sale."

The Supreme Court's [Citizens United v. Federal Election Commission](#) (2010) held that the First Amendment prohibits the government from restricting independent political expenditures by corporations and unions.

The case arose when, during the heat of a political campaign, the nonprofit corporation Citizens United wanted to air a film critical of Hillary Clinton and to advertise the film during television broadcasts.

Lower courts ruled this an "electioneering communication" in violation of the 2002 Bipartisan Campaign Reform Act (BRCA) (commonly known as the McCain-Feingold Act).

In a 5-4 decision, the court held that portions of BCRA violated the First Amendment.

Arguments used in the Citizens United decision indirectly challenged the facts that led to Montana's Corrupt Practices Act.

Writing for the majority in the Citizens United case, Justice Anthony Kennedy asserted that "independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption."

The Montana Supreme Court held that the history of politics in Montana demonstrated that state's compelling interest in limiting corporate political money and that it warranted a departure from the Citizens United ruling.

In a 5-4 vote, the majority in the U.S. Supreme Court summarily reversed the decision of Montana's Supreme Court, thereby invalidating Montana's Corrupt Practices Act.

[Writingindissent](#), Justice Stephen Breyer said, "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."

The Supreme Court's decision came less than a week after progressive activists at the "Take Back the American Dream Conference" in Washington, D.C., held a strategy session to prepare an initiative for a constitutional amendment that would overturn the Citizens United ruling.

Jason Wiener, a panelist in that strategy session and a city councilman in Missoula, Mont., explained some of the history of Montana and the reasons why three quarters of the citizens of Missoula have voted in favor of a ballot initiative to seek a constitutional remedy for Citizens United.

[BrucePrescott](#) is executive director of Mainstream Oklahoma Baptists and president of the Norman, Okla., chapter of Americans United for Separation of

**<https://ethicsdaily.com/high-court-erases-states-corrupt-practices-act-cms-19739/> June 26, 2012 Bruce Prescott**

*Church and State. He [blogs](#) at Mainstream Baptist.*