

Seven Candidates and One Amendment*

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* Editor's Note: This article demonstrates the difficulties of analyzing current events in a legal periodical. The article was written before Christmas (10 Democratic contenders), edited the week between the Iowa Caucuses and the New Hampshire primary (7), and sent to the printer the day after Super Tuesday (1). The summer issue will include a more detailed analysis of the views of Senator John Kerry and incumbent President George W. Bush.

Where do the seven people vying to become the 2004 Democratic presidential nominee stand on the key issues related to the First Amendment? Not surprisingly, General Wesley Clark, Governor Howard Dean, Senator John Edwards, Senator John Kerry, Representative Dennis Kucinich, Senator Joseph Lieberman, and the Reverend Al Sharpton have taken relatively similar positions on most issues, but they have genuine disagreements about others.

From free press issues to Establishment Clause concerns (including the use of "under God" in the Pledge of Allegiance, the presence of a Ten Commandments monument in a state building, school vouchers, and school prayer) to free speech considerations (including flag burning and campaign finance reform), the 2004 Democratic presidential candidates share more similarities than differences. They have distinct opinions on the issues, however, and the difference in the vigor and clarity of their views is even more apparent on closer examination.

Freedom of Information and a Free Press

"People in an open society," in the words of the U.S. Supreme Court, "do not demand infallibility from their institutions, but it is difficult for them

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to accept what they are prohibited from observing."¹ The cornerstone of a free press is access to information, especially about the government. Senator Lieberman has promised to "open unnecessary secrets in federal government";² Senator Kerry has promised that, if elected, "openness" will be the "hallmark" of his administration;³ and General Clark has pledged to "institute a culture of transparency and accountability."⁴ General Clark, in fact, would adopt an "'openness doctrine' that would restrict the assertion of executive privilege, eliminate secret task forces, disclose all meetings with special interests, require lobbyists to reveal more, and use the Internet to make government transparent."⁵

Senators Lieberman and Kerry as well as General Clark have been at the forefront in pushing Governor Dean to unseal the one-third of his gubernatorial papers that will, barring some change, remain blocked from public review until 2013.⁶ Governor Dean admitted a little over a year ago that "future political considerations" shaped his position on the records: he "didn't want anything embarrassing appearing in the [news]papers at this critical time."⁷

Representative Kucinich has said that he wants to repeal Justice and Homeland Security Department exemptions to the Freedom of Information Act,⁸ and he has decried the "First Amendment . . . being stripped away" by the FBI's pattern of collecting data on people who attend peace demonstrations.⁹ On the other hand, Representative Kucinich is the only candidate with a section of his campaign website entitled "Media Reform," promising that, if elected, he will "require that the networks give something back other than 'reality' shows."¹⁰

Are References to God Constitutional?

In June 2002, the Ninth Circuit unleashed a firestorm of protest on both sides of the issue by ruling that the phrase "under God" in the Pledge of Allegiance was unconstitutional. In *Newdow v. U.S. Congress*,¹¹ Judge Alfred Goodwin explained that "[i]n

light of Supreme Court precedent," a California "school district's policy and practice of teacher-led recitation of the Pledge [of Allegiance], with the inclusion of the added words 'under God,' violates the Establishment Clause" of the First Amendment.¹² The school district's policy was viewed as particularly coercive "given the age and impressionability of schoolchildren," and the court held that the policy "places students in the untenable position of choosing between participating in the exercise with religious content or protesting."¹³ On October 14, 2003, the U.S. Supreme Court granted certiorari.¹⁴

Several candidates voiced strong opposition to Judge Goodwin's opinion in *Newdow*. Perhaps the most vocal was Senator Kerry: "I think it's half-assed justice. It's simply the most absurd thing I ever heard in my life. Under any legal standard that I can find, that's not the establishment of religion."¹⁵ Forty-seven of his colleagues agreed with his assessment and showed their displeasure by co-sponsoring a Senate resolution expressing disapproval of Judge Goodwin's en banc decision and disappointment with the full court for refusing the review it.¹⁶ When the resolution reached the Senate floor in March 2003, ninety-four senators supported it and none opposed. Reportedly, both Senators Edwards and Kerry would have voted in favor of S. 71 had they been present for the roll call.¹⁷

Lieberman also voted in favor of the Senate resolution,¹⁸ stating publicly that he believes that the *Newdow* decision "offends our national morality" and that "the American people have not lost their way," but "some of our judges have."¹⁹ Lieberman went even further by advocating a constitutional amendment to keep the words "under God" in the Pledge of Allegiance.²⁰

Representative Kucinich voted in favor of a resolution reaffirming the controversial phrase in the Pledge.²¹ Governor Dean said that he does not "get excited about saying 'One nation under God,'" but he also feels that banning the phrase "goes a little far."²² Clark has hedged his support for the

phrase, explaining that he is “comfortable with God in . . . the Pledge” but adding that “it’s up to the courts.”²³

The Ten Commandments

Another highly controversial and visible application of the Establishment Clause occurred recently in Alabama. After Chief Justice Moore of the Alabama Supreme Court installed a 5,280-pound monument depicting the Ten Commandments in the rotunda of the Alabama Supreme Court building, a federal judge ordered Moore to remove the monument.²⁴ The district court’s decision was consistent with the

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U.S. Supreme Court’s 1980 decision in *Stone v. Graham*,²⁵ striking down as unconstitutional a law that required every public school classroom in Kentucky to post a copy of the Ten Commandments. The Eleventh Circuit affirmed the district court’s decision, rejecting Moore’s contention that the Ten Commandments have “a purely secular application.”²⁶ Ultimately, the monument was removed from the Supreme Court building, and, eventually, so was former Chief Justice Moore.²⁷

Not all candidates have taken positions on the Ten Commandments issue. Governor Dean has opposed the posting of the Ten Commandments in government buildings,²⁸ noting, “I’m a religious person. I pray every day, and I don’t think it’s the government’s business to tell me who to pray to.”²⁹ When asked a question about the display of the Ten Commandments in public places, General Clark responded, “I grew up in the South and I went to church every Sunday and I did all that and I can quote the Scriptures and so forth . . . But you know, I think we need to preserve the separation of church and state.”³⁰

School Vouchers and Religion

Tackling the issue of school vouchers for the first time in 2002, the U.S. Supreme Court upheld an Ohio pro-

gram that allows parents to redeem tuition aid vouchers at participating schools, the vast majority of which are religious institutions.³¹ The Court determined that the program does not offend the Establishment Clause because it is one of true private choice, and it does not advance religion since it is a neutral educational assistance program that offers aid directly to a broad class of individuals without regard to religion.³²

Senator Lieberman is the only Democratic candidate to support voucher programs. In college, Senator Lieberman wrote an editorial in support of President Johnson’s aid package to schools: “We are pleased to note that this new program offers aid to private and parochial schools as well as public schools . . . we see no good reason why the federal government should not help provide non-religious facilities to church-related schools.”³³

Much later, as a U.S. senator, Lieberman still supported government aid to religious schools.³⁴ Senator Lieberman has said that he supports “experimenting with school vouchers”³⁵ and has consistently voted for voucher programs.³⁶

Clark does not support “school vouchers for private schools.”³⁷ Sharpton opposes voucher programs, explaining that he views vouchers as a Republican plan to reduce education funding.³⁸ Kerry voted against school vouchers for the District of Columbia, and he opposes voucher programs on the grounds that they would “drain scarce” funds and resources from public school systems.³⁹ In addition, both Kerry and Edwards voted against permitting tax-free savings accounts to be used for public or private school tuition or other education expenses.⁴⁰ Governor Dean “strongly oppose[s] voucher programs which divert taxpayer money to private schools.”⁴¹ Representative Kucinich has voted against vouchers several times and reportedly believes that vouchers “represent an attempt to disestablish not only public education, but the entire public realm.”⁴²

Candidates Speak Out on Prayer

The following activities, the U.S. Supreme Court has held, violate the First Amendment’s Establishment Clause:

- Nondenominational prayer organized or led by a public school⁴³

- Required silent reading of the Bible and the Lord’s Prayer in public school⁴⁴

- Required moment of silence for meditation or prayer in public school⁴⁵
- Clergy-led prayers at public school graduations⁴⁶
- Student-led prayer, endorsing a particular religious practice, before a public high school football game⁴⁷

On the other hand, the Court also has held, based on the First Amendment’s Free Exercise Clause, that if the government opens facilities to student use, it cannot exclude uses by religious groups.⁴⁸

Senator Lieberman has long supported a moment of silence in school,⁴⁹ but he recognizes that “school prayer” is constitutionally “tough.”⁵⁰ Senator Lieberman, in addition to Senator Kerry, voted against a measure to cut off federal funds to school districts that deny students the ability to pray voluntarily.⁵¹

Like Senator Lieberman, Reverend Sharpton believes that “[t]here should be a moment of silence to begin each school day, when children can either say a silent prayer, meditate or do nothing”; in addition, he feels that “to ban prayer from school is not only immoral, it is as wrong as forcing school prayer.”⁵² Representative Kucinich opposes requiring schools to allow prayer.⁵³

Governor Dean opposes prayer in school in no uncertain terms.⁵⁴ He raised the ire of many voters when he told a Houston audience that Democrats have “got to stop voting on guns, gods, gays and school prayer.”⁵⁵

Flag Burning

In 1989 and 1990, the U.S. Supreme Court, split along the same five-to-four lines, held in twin decisions that flag burning is protected speech and that state and federal laws protecting the American flag from desecration are unconstitutional.⁵⁶ Thus, only a constitutional amendment, or a change in the composition of the Supreme Court, will effect constitutional protection for the flag.

In 2002, Governor Dean supported a resolution from the Vermont legislature that “voiced support for protecting the flag and suggested a constitutional amendment as one possible option” for protecting it.⁵⁷ Governor Dean emphasized the wording of the resolution, observing that it was crafted “so that people like [Dean] could take a position supporting the flag without supporting an amendment.”⁵⁸

Senators Kerry and Lieberman oppose a constitutional amendment to ban flag burning.⁵⁹ Kerry, a decorated veteran, “detests” the practice of flag burning but does not believe that it warrants a constitutional amendment.⁶⁰

On the other hand, General Clark, also a decorated veteran, supports such an amendment.⁶¹ Representative Kucinich, too, has repeatedly supported a constitutional amendment to ban flag burning,⁶² explaining that “the very constitutional protections we are guaranteed exist today because of the commitment people have to our nation as expressly symbolized by the flag.”⁶³

He Who Pays the Piper . . .

Despite supporting public financing in principle, Governor Dean announced in November 2003 that he would become the first Democratic candidate to decline public financing for the primaries, explaining that “the unabashed actions of this president to undercut our democratic process with floods of special interest money have forced us to abandon a broken system.”⁶⁴ Less than a week later, Senator Kerry also abandoned the system, blaming Governor Dean for his decision: “He changed the rules of this race and anybody with a real shot at the nomination is going to have to play by those rules.”⁶⁵

By opting out of the public financing system, Governor Dean and Senator Kerry, together with President Bush, are not bound by the system’s state-by-state spending caps or its overall \$45 million spending limit.⁶⁶ Campaign watchdog groups have urged them to adhere to the limits anyway, but only Senator Kerry plans to do so—and only by the overall limit.⁶⁷

Campaign Financing

Although the financing of political campaigns has been a contentious issue since the time of the Founding Fathers,⁶⁸ the first federal attempt to regulate election spending was not until the 1867 naval appropriations bill, which prohibited government officers and employees from soliciting contributions from shipyard workers.⁶⁹ More than a century of patchwork reforms, many of them in response to specific scandals, followed. In 1971, the Federal Election Campaign Act (FECA) created the first comprehensive framework for the regulation of primaries, runoff elections, general elections, and

conventions.⁷⁰ FECA was amended less than three years later in response to the Watergate scandal and Richard Nixon’s resignation.⁷¹

In its 1976 landmark decision on FECA, the U.S. Supreme Court upheld disclosure requirements, limits on individual contributions, and voluntary public financing. However, the Court struck down, as a violation of the Free Speech Clause, limits on candidate expenditures (unless candidate accepts public financing), limits on contributions by candidates and their families to their own campaigns, and limits on “independent expenditures,” i.e., soft money.⁷²

Campaign Reform and the Candidates

Not surprisingly, the candidates for the Democratic nomination have expressed strong support for campaign finance reform. The four candidates who serve in Congress voted for passage of the Bipartisan Campaign Reform Act of 2002 (BCRA). Representative Kucinich voted for the Shays-Meehan bill in the House;⁷³ and Senators Edwards, Kerry, and Lieberman supported the companion McCain-Feingold bill.⁷⁴

The BCRA, which was signed into law by President Bush on March 27, 2002, is considered the most sweeping change of the campaign finance system in the last thirty years.⁷⁵ The crux of the law is twofold: a ban on soft money flowing to the national political parties and regulation of electioneering communications, i.e., the so-called sham-issue ads.⁷⁶ In yet another five-four decision, *McConnell v. Federal Election Commission*, the Supreme Court upheld the ban on soft money and other key provisions.⁷⁷ Without soft money, candidates and political parties may only accept donations that are already allowed in limited amounts, such as a private individual’s donation of up to \$2,000 per candidate per year or \$25,000 per party committee per year.⁷⁸

Governor Dean has aggressively criticized the present system, writing that “big money corrupts public policy.”⁷⁹ He has declared his support for BCRA but has said that “there is so much more to be done.”⁸⁰ He proposes further reforming the presidential public finance system by increasing the public match, raising the primary spending limits, and increasing the voluntary funding checkoff.⁸¹ He also proposes establishing a public financing option for all federal elections, offering

a tax credit to small donors with relatively low incomes, requiring that TV and radio broadcasters offer a few hours of civic broadcasting every week around election time, and abolishing the Federal Election Commission.⁸²

Senator Kerry emphasizes his longstanding support of campaign finance reform, writing, “I have demonstrated my commitment to campaign finance reform in my Senate races—where I have always refused to take PAC money, and in my legislative priorities in the Senate—where I have consistently cosponsored the McCain-Feingold campaign finance reform bill.”⁸³ Kerry is harshly critical of the use of issue advocacy by special interests as a means of circumventing contribution limits, noting that “[issue] ads—usually negative, often inaccurate—are driving the political process today. Do they violate the spirit of the campaign finance laws in this country? They certainly do.”⁸⁴

Representative Kucinich pushes the fight for reform further by advocating a constitutional amendment that would ban the use of private financing.⁸⁵ He explains that “[t]he largest roadblock toward the American Restoration is a corrupt campaign finance system which promotes plutocracy allowing laws and regulations to be stealthily auctioned to the highest bidder.”⁸⁶

Senator Lieberman notes his support for McCain-Feingold, writing that the legislation “helped restore balance to our political system by returning the power of electoral politics to the founding principle of one person, one vote.”⁸⁷ Senator Edwards, as a co-sponsor of McCain-Feingold, has been recognized for delivering on his campaign promise to enact meaningful campaign finance reform by taking an active role in the debate on the legislation.⁸⁸

Conclusion

For the most part, the Democratic candidates stand together on issues impacting the First Amendment. Therefore, the crucial comparison will come this summer when the Democratic nominee’s positions are matched against the ideas and policies of the presumptive Republican nominee, President George W. Bush.

Endnote

1. *Press-Enter. Co. v. Superior Court*, 478 U.S. 1, 13 (1986).

2. Anne Saunders, *Lieberman Unveils Plan to Protect Privacy*, DALLAS-FT. WORTH STAR-TELEGRAM, Jan. 9, 2004, at www.dfw.com/mld/dfw/news/politics/7670980.htm.
3. Will Lester, *Lieberman Needles Dean on Sealed Records*, SAN JOSE MERCURY NEWS, Dec. 1, 2003, at www.mercurynews.com/mld/mercurynews/news/politics/7389464.htm.
4. Wesley Clark, *Wesley Clark on Government Reform*, at www.issues2000.org/2004/Wesley_Clark_Government_Reform.htm (citing *100 Year Vision*, AMERICANSFORCLARK.COM, Sept. 18, 2003) (visited Jan. 12, 2004).
5. Tom Raum, *Clark Urges Rivals to Release Records*, GUARDIAN UNLIMITED, Jan. 16, 2004, at www.guardian.co.uk/us/latest/story/0,1282,-3632920,00.html.
6. *Id.*; Lester, *supra* note 3.
7. William Safire, *Aesop's Fabled Fox*, N.Y. TIMES, Dec. 29, 2003.
8. Sabrina Eaton, *Kucinich Leads Move in Congress to Curb Controversial Patriot Act*, CLEVELAND PLAIN DEALER, Sept. 25, 2003, at A6.
9. Press Release, Dennis Kucinich, First Amendment Being Stripped Away (Nov. 24, 2003), at www.kucinich.us/pressreleases/pr_112403.php (visited Jan. 5, 2004); see Monica Davey, *Sponsor of Antiwar Forum Faces Federal Subpoenas*, N.Y. TIMES, Feb. 10, 2004, at A12.
10. Kucinich for President, Inc., *Media Reform*, at www.kucinich.us/issues/media_reform.php (visited Jan. 5, 2004).
11. 328 F.3d 466 (9th Cir. 2002).
12. *Id.* at 490.
13. *Id.* at 488.
14. Elk Grove Unified Sch. Dist. v. Newdow, 328 F.3d 466 (9th Cir. 2002), *cert. granted*, 72 U.S.L.W. 3266 (U.S. 2003) (No. 02-1624).
15. *Judge Puts Pledge of Allegiance Decision on Hold*, BULL. FRONTRUNNER (June 28, 2002) (citing WCVB-TV (Boston, MA), June 27, 2002).
16. S. Res. 71, 108th Cong. (2003).
17. 149 CONG. REC. S. 3074-3076 (daily ed. Mar. 4, 2003) (statement of Sen. Reid).
18. S. Res. 71, 108th Cong. (2003).
19. *The Pledge: All in Allegiance*, HOTLINE (citing S.F. CHRON., June 27, 2002).
20. David Waters, *Imperfect Framers Wisely Left God Out of Their Vision of "Perfect Union,"* MEMPHIS (Tenn.) COMMERCIAL APPEAL, July 3, 2002, at B1; see also Tom Vanden Brook, *Appeals Court Rules Pledge Unconstitutional*, USA TODAY, June 27, 2002, at www.usatoday.com/news/washington/2002/06/26/inside-pledge.htm#more.
21. S. 2690, 107th Cong. (2002).
22. Liz Marlantes, *For the Moment, Dean of His Class*, CHRISTIAN SCI. MONITOR, Nov. 28, 2003, at 1.
23. Terry Joyce, *Clark Stresses Southern Heritage in Ladson Stop*, CHARLESTON (S.C.) POST & COURIER, Jan. 1, 2004, at 1B.
24. Glassroth v. Moore, 229 F.Supp.2d 1290, 1319 (M.D. Ala. 2002).
25. 449 U.S. 39 (1980).
26. Glassroth v. Moore, 335 F.3d 1282, 1296 (11th Cir. 2003).
27. The monument was removed at the direction of the Alabama Supreme Court's associate justices, and Moore was removed from office because he refused to follow the federal court's order even after the Eleventh Circuit's decision. Moore is challenging his removal. Jannell McGrew, *Moore Claims Rights Denied*, MONTGOMERY (Ala.) ADVERTISER, Jan. 9, 2004, at A1.
28. David DeCamp, *Tough Talk in Tough-to-Win Dean Campaign*, FLORIDA TIMES-UNION (Jacksonville), Oct. 26, 2003, at A1.
29. Marlantes, *supra* note 22, at 1.
30. Matthew C. Quinn, *Election 2004: Democrats Spar Politely on South Carolina Stage*, ATLANTA J.-CONST., Jan. 30, 2004, at 1A.
31. Zelman v. Simmons-Harris, 536 U.S. 639, 643-48 (2002).
32. *Id.* at 653-63.
33. Raja Mishra, *A Moral Drive for the Presidency*, BOSTON GLOBE, Dec. 7, 2003, at A1.
34. *Id.*
35. *Our Choice*, NEW REPUBLIC, Jan. 19, 2004, at 8.
36. See, e.g., S. 1156, 105th Cong. (1997).
37. Wesley Clark, *On the Issues: Invest in the Education of America's Future*, at www.clark04.com/issues/education/ (visited Jan. 5, 2004).
38. Al Sharpton, *Al Sharpton on Education*, at www.issues2000.org/2004/Al_Sharpton_Education.htm (citing NPR Interview (Jan. 31, 2003)) (visited Jan. 6, 2004).
39. S. 1156, 105th Cong. (1997); John Kerry for President, Inc., *Strengthening America's Schools for the 21st Century*, at www.johnkerry.com/issues/education/ (visited Jan. 5, 2004).
40. S. 1134, 106th Cong. (2000).
41. Howard Dean, *Howard Dean on Education*, at www.issues2000.org/2004/Howard_Dean_Education.htm (citing press release on DC voucher vote (Sept. 10, 2003)) (visited Jan. 12, 2004).
42. Kucinich for President, Inc., *Vouchers*, at <http://kucinich.us/issues/vouchers.php> (visited Jan. 5, 2004).
43. Engel v. Vitale, 370 U.S. 421 (1962).
44. Abington Sch. Dist. v. Schempp, 374 U.S. 203 (1963).
45. Wallace v. Jaffree, 472 U.S. 38 (1985).
46. Lee v. Weisman, 505 U.S. 577 (1992).
47. Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000).
48. Good News Club v. Milford Cent. Sch., 533 U.S. 98 (2001) (school district could not open its facilities to student use and then prohibit use by religious groups); Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993) (striking down as unconstitutional a school district policy opening facilities to community and civic groups but not religious groups); Bd. of Ed. v. Mergens, 496 U.S. 226 (1990) (upholding federal law preventing religious discrimination in access to public school facilities); Widmar v. Vincent, 454 U.S. 263 (1981) (striking down state university policy of opening facilities to secular groups but excluding religious groups).
49. Mishra, *supra* note 33, at A1.
50. Mike Allen & Lori Montgomery, *Gore, Lieberman Seek a Lift on School Bus; Democrats Hammer Bush on Education*, WASH. POST, Sept. 13, 2000, at A26.
51. S. 1513, 103d Cong. (1994).
52. Al Sharpton, *Al Sharpton on Education*, at www.issues2000.org/2004/Al_Sharpton_Education.htm (citing REV. AL SHARPTON, AL ON AMERICA 89 (2002)) (visited Jan. 12, 2004).
53. H.R. 340, 106th Cong. § 10410 (2001) (sponsored by Kucinich).
54. DeCamp, *supra* note 28, at A1.
55. Jim VandeHei, *A Spiritual Struggle for Democrats; Silence on Religion Could Hurt Candidates*, WASH. POST, Nov. 27, 2003, at A01.
56. United States v. Eichman, 496 U.S. 310 (1990); Texas v. Johnson, 491 U.S. 397 (1989).
57. *Dean: Splitting the Dog and Protecting the Flag*, HOTLINE, Jan. 15, 2002.
58. *Id.*
59. S.J. Res. 31, 104th Cong. (1995).
60. Aaron Lovell, *Quincy Vet Continues Defense of Old Glory; Seeks Amendment to Prohibit Defacing Flag*, PATRIOT LEDGER (Quincy, Mass.), June 14, 2002, at 4.
61. Howard Kurtz, *Koppel's Drama Gets Panned*, UNION LEADER (Manchester, N.H.), Dec. 11, 2003, at B3.
62. Dennis Kucinich, *Dennis Kucinich on Civil Rights*, at www.issues2000.org/2004/Dennis_Kucinich_Civil_Rights.htm (citing H.J. Res. 4 (2003)) (visited Jan. 6, 2004).
63. David W. Martin, *Hollow Man*, CLEVELAND SCENE, Mar. 19, 2003.
64. Ronald Brownstein, *Dean Won't Accept Public Financing*, L.A. TIMES, Nov. 9, 2003, at A22.
65. CNN, *Kerry Opts Out of Public Financing in Primaries*, at www.cnn.com/2003/ALLPOLITICS/11/14/elec04.prez.kerry.money/ (visited Nov. 14, 2003).
66. CNN, *Rivals Benefit from '04 Candidates Who Skip Public Funds*, at www.cnn.com/2003/ALLPOLITICS/11/19/elec04.prez.presidential.money.ap (visited Dec. 11, 2003).
67. *Id.*
68. See, e.g., THE FEDERALIST No. 68 (Alexander Hamilton).
69. See, e.g., www.opensecrets.org (history of campaign reform efforts).
70. See www.campaignfinancesite.org/history/financing1.html.
71. *Id.*
72. Buckley v. Valeo, 424 U.S. 1 (1976).
73. *Campaign Finance Reform: Final Passage of Shays-Meehan Bill*, at www.men-tata.com/ds/retrieve/congress/vote/VC107H7 (visited Nov. 7, 2003).
74. Common Cause, *The Senate Vote on*

McCain-Feingold Last April, COMMON CAUSE NEWS, at www.commoncause.org/mccainfeingold/031102.htm (visited Jan. 5, 2004)

75. 2 U.S.C. §§ 431-34 (2003).

76. The Center for Responsive Politics, *Federal Campaign Finance Law: New Contribution Limits*, OPENSECRETS.ORG [hereinafter Center for Responsive Politics], at www.opensecrets.org/basics/law/index.asp (visited Dec. 11, 2003).

77. 124 S. Ct. 619 (Dec. 10, 2003).

78. *Id.*; see also Center for Responsive Politics, *supra* note 76.

79. Howard Dean, *"Take Back Our Democracy": An Agenda for Real Campaign Reform*, at www.deanforamerica.com/site/cg/index.html?type=page&page-name=policy_policy_campaignfinance (visited Nov. 7, 2003).

80. *Id.*

81. *Id.*

82. *Id.*

83. John F. Kerry, *Campaign Finance Reform*, at www.kerry.senate.gov/low/atwork_issues_campaign.html (visited Nov. 7, 2003).

84. *Id.*

85. Dennis J. Kucinich, *Campaign Finance*, at www.kucinich.us/issues/issue_campaign-fin.htm (visited Nov. 7, 2003).

86. *Id.*

87. Joe Lieberman, *Lieberman Statement on Campaign Finance Ruling*, at www.joe2004.com/site/News2?page=NewsArticle&id=5214 (visited Nov. 7, 2003).

88. Edwards for President, Inc. John Edwards: *A Record of Accomplishment*, at www.johnedwards2004.com/media/Edwards_bio.pdf (visited Nov. 7, 2003).