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Extract from Michael Kent Curtis, Citizens United, Davis v. FEC, and Arizona Free Enterprise in Context: Lochner on Steroids and Democracy on Life Support (Apr. 5, 2012) (unpublished manuscript), citing Tillman's Citizen United and the Scope of Professor Teachout's Anti-Corruption Principle

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*"Citizens United, Davis v. FEC, and Arizona Free Enterprise in Context: Lochner on Steroids and Democracy on Life Support (36, 517 words) [March, 2012 draft]*

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- I. Introduction
- II. The Free-Speech System: The Ecology of Freedom of Expression
  - A. The Free-Speech System: Rationales and Expected Functions
  - B. The Ecology of Freedom of Expression
    - 1. The Public Forum: The Space Expands
    - 2. Other Examples of the Ecology of Free Speech
- III. Citizens United
  - A. Citizens United and What It Did
  - B. Davis v. FEC
- IV. Of Corporations and Corporate Political Speech. Corporations Are Neither Persons nor Citizens.
- V. The Constitutional Texts in Context.
  - A. The First Amendment
  - B. The Fourteenth Amendment
- VI. The Text Transformed: The Court Creates a New Constitutional Person. The *Lochner* Era.

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of corruption from interests within the nation, the Framers were worried about corruption by foreign interests that had no loyalty to the United States.<sup>248</sup>

Teachout explains that the Framers' concerns about corruption included not only bribery, but also "public decisions to serve private wealth made because of dependent relationships, public decisions to serve executive power made because of dependent relationships, and use by public officials of their positions of power to become wealthy."<sup>249</sup> Gouverneur Morris spoke about "how '[w]ealth tends to corrupt the mind & to nourish its love and power. . . .'"<sup>250</sup>

In connection with the problems of self-government, Madison noted that "no man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and not improbably corrupt his integrity."<sup>251</sup> Here Teachout says that Madison was "making a claim about the interior life of the mind. . . ."<sup>252</sup> "He is claiming that exterior forces have the power to shape the moral orientation of a person, just as a powerful flow of water might shape the soil around it."<sup>253</sup> "Money has an alchemical effect . . . changing the nature of the agent that it works upon."<sup>254</sup> According to Teachout, as many Framers saw it, both citizens and public officials needed to pursue the public good, not merely private interests.<sup>255</sup>

The central idea of corruption is that it undermines the integrity of the political system. The Framers were well aware of the frailty of human nature, but believed that proper structures could "create [both] virtuous (public-serving) acts" and "virtuous" public-serving men.<sup>256</sup> The

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<sup>248</sup> *Id.* at 352.

<sup>249</sup> *Id.* at 374.

<sup>250</sup> *Id.* at 376.

<sup>251</sup> *Id.*

<sup>252</sup> *Id.*

<sup>253</sup> *Id.*

<sup>254</sup> *Id.* at 376–77. For another view of political corruption issue, *see generally*, Issacharoff, *supra* note 76. But, *cf.* Seth Barrett Tillman, 106 Nw. U. L. Rev. Colloquy (forthcoming circa April-May 2012) <http://ssrn.com/abstract=2012800>.

<sup>255</sup> Teachout, *supra* note 244, at 377.

<sup>256</sup> *Id.* at 380.