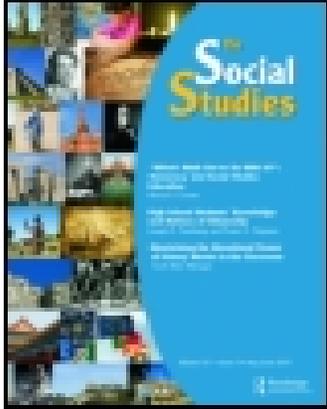


This article was downloaded by: [James M. M. Hartwick]

On: 16 June 2014, At: 12:25

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



The Social Studies

Publication details, including instructions for authors and subscription information:
<http://www.tandfonline.com/loi/vtss20>

What's Money Got to Do with It? Fostering Productive Discussions about Campaign Finance

Brett L. M. Levy^a, James M. M. Hartwick^b, Sierra Pope Muñoz^c & Scott Gudgel^d

^a Department of Educational Theory and Practice, State University of New York, Albany, Albany, New York, USA

^b Department of Curriculum and Instruction, University of Wisconsin-Whitewater, Whitewater, Wisconsin, USA

^c South Central Wisconsin Move to Amend, Madison, Wisconsin, USA

^d Craig High School, Janesville, Wisconsin, USA

Published online: 12 Jun 2014.

To cite this article: Brett L. M. Levy, James M. M. Hartwick, Sierra Pope Muñoz & Scott Gudgel (2014): What's Money Got to Do with It? Fostering Productive Discussions about Campaign Finance, *The Social Studies*, DOI: [10.1080/00377996.2014.917064](https://doi.org/10.1080/00377996.2014.917064)

To link to this article: <http://dx.doi.org/10.1080/00377996.2014.917064>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

What's Money Got to Do with It? Fostering Productive Discussions about Campaign Finance

BRETT L. M. LEVY,¹ JAMES M. M. HARTWICK,² SIERRA POPE MUÑOZ,³ and SCOTT GUDGEL⁴

¹Department of Educational Theory and Practice, State University of New York, Albany, Albany, New York, USA

²Department of Curriculum and Instruction, University of Wisconsin-Whitewater, Whitewater, Wisconsin, USA

³South Central Wisconsin Move to Amend, Madison, Wisconsin, USA

⁴Craig High School, Janesville, Wisconsin, USA

Schools throughout the United States provide instruction on democracy, voting, and major institutions of government, but often excluded from the curriculum is a central reality of our political system: the role of money in elections. This article provides background information and pedagogical strategies to help teachers foster productive discussions on this issue. First, we summarize recent increases in U.S. election spending and five schools of thought on how to address this trend. Then we present various classroom discussion and assessment strategies for supporting students' learning about our current campaign finance system and its potential alternatives. These processes can facilitate students' development of important civic knowledge and skills and also fulfill a variety of state and national standards.

Keywords: campaign finance system, civic education, discussion strategies, election spending

"America has the best politicians money can buy."
—Will Rogers (1879–1935)

Schools throughout the United States provide instruction on democracy, voting, and major institutions of government, but often excluded from the curriculum is a central reality of our political system: the role of money in elections. While youth, like adults, are regularly exposed to an increasing onslaught of political advertisements during election seasons, they rarely understand who is sponsoring them, how to examine their veracity more closely, or how electoral processes might be reformed. In this article we explore how teachers can address this problem by fostering productive classroom discussions about these issues. Students of various ages could benefit from these strategies, but because the issues involved are quite complex, they may be most appropriate for middle and high school students.

We emphasize discussion pedagogies because numerous studies indicate that discussing controversial public issues can support students' development of political interest (Hahn 1999; Kahne, Crow, and Lee 2012) and political efficacy (Hahn 1999; Morell 2005), two strong predictors of political participation. Developing evidence-based arguments in discussion, however, requires participants to have

relevant content knowledge. Thus, below we first provide background on recent increases in U.S. election spending and the various schools of thought on how to address this trend. We then present various strategies for fostering productive classroom discussions about our current campaign finance system and its potential alternatives. Given the growing role of money in U.S. elections, we think it is vital for citizens to become interested, knowledgeable, and engaged in these complex issues.

More (and More) Spending on Elections

Political campaigns in the United States have relied on private contributions since the 1800s, but the dollar amount of these campaigns has skyrocketed in recent years. In fact, the combined spending on presidential and congressional elections has more than tripled in just fifteen years (Center for Responsive Politics 2013; Figure 1). At the same time, the U.S. corruption perception index recently increased, ranking it worse than many other industrialized nations (Kiely 2012).

The recent surge in election spending is related to the Supreme Court's decision in *Citizens United v. Federal Elections Commission (FEC)*. In this case, the Court ruled 5–4 that corporations and unions, like individual citizens, are endowed with free speech rights that can be exercised through political expenditures and that limits on such "speech" are unconstitutional. Two months later, the DC

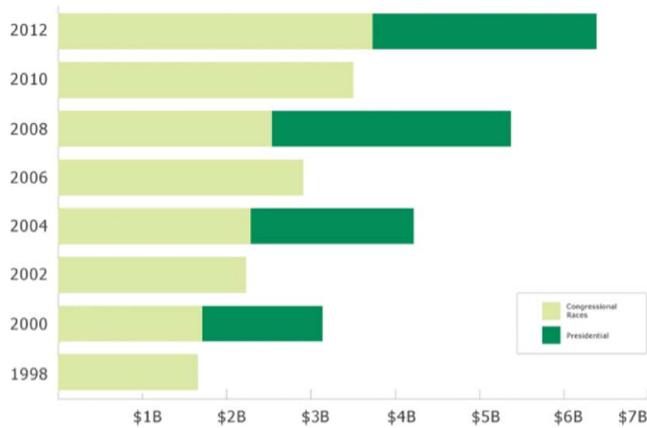


Fig. 1. Total billions of dollars spent on U.S. elections. Source: Center for Responsive Politics (2013); Reprinted with permission. (Color figure available online.)

Court of Appeals extended these rules by deciding in *SpeechNow v. FEC* that non-profit political organizations could legally accept unlimited anonymous donations. These judicial decisions opened the door to large contributions from corporations, unions, and others, effectively nullifying prior campaign contribution limits set by Congress.

In the elections since these landmark rulings, big donors have played an increasingly prominent role in supporting election campaigns, largely through political action committees known as SuperPACs. For example, in the 2012 Republican presidential primaries, twenty wealthy donors contributed about half the funds of the major SuperPACs (Campaign Finance Institute 2012), and one couple gave more than \$98 million over the course of the election cycle (Meyer 2012). The majority of SuperPAC money was spent on television ads (Steiner 2012), about three-quarters of which were negative (Sunlight Foundation 2012). (By comparison, in France's 2012 presidential race, the two leading campaigns spent only \$54 million total and by law were banned from purchasing airspace for political purposes¹). And in early 2014, the Court's 5–4 decision in *McCutcheon v. FEC* struck down the contribution limits on individuals, thus creating more opportunities for wealthy political donors to support their preferred candidates.

Recent polls indicate that the American public has become extremely concerned about the influence of big donors on politics,² and more than half the U.S. population thinks that reform of election spending should be an “important” or “top” priority for Congress and the president (Pew Research Center 2012). Nonetheless, while some argue that these large contributions drown out the voices of voters with fewer resources, others contend that allowing unlimited campaign contributions facilitates more competitive races and thus a stronger democracy (Beckel 2012). First Amendment scholar Floyd Abrams argues that if newspapers have the right to publish the

political opinions of editorial boards, so should other corporate entities (Taranto 2012).

Given the vigorous national debate on how elections should be funded, it is increasingly important for youth to explore the facts surrounding the issue, consider different perspectives on what we should do, and learn the skills needed to analyze and become involved in these debates. Various studies have found that discussing controversial issues facilitates understanding alternative viewpoints (Hess 2009) and interest in political issues (Kahne, Crow, and Lee 2012), and the strategies that we recommend below will also enable students to fulfill various state and national content standards. For example, the National Council for the Social Studies standards suggest that high school students learn to “identify, seek, describe and evaluate multiple points of view about selected issues, noting the strength, weaknesses, and consequences associated with holding each position” (NCSS 2010, p. 64), and the English Language Arts Common Core (National Governors Association Center for Best Practices and Council of Chief State School Officers 2012) states that students should be able to “present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning [and] alternative or opposing perspectives are addressed” (SL.11-12.4). Furthermore, the social studies standards in numerous states, including Florida, Ohio, Wisconsin, and California, highlight content related to elections, interest groups, and ways that citizens can become involved in civic life. Before considering the optimal strategies for helping students to learn this content, it is important to understand the variety of perspectives on campaign finance that they might explore.

Five Schools of Thought on Campaign Finance Reform

There are five general approaches for how to address campaign finance reform: (1) the status quo, (2) judicial action, (3) legislation, (4) corporate governance, and (5) amending the Constitution (Figure 2). We summarize these below, and our website www.teachingcampaignfinance.org includes links to more thorough explorations of each school of thought. If students explore all of these approaches, they



Fig. 2. Five schools of thought for addressing campaign finance in the United States. (Color figure available online.)

will have a better sense of the diversity of views on this issue. Common to all the approaches is public engagement, so in addition to fostering interactive, well-informed discussions on these perspectives, we suggest that teachers emphasize the importance of citizens expressing their views publicly, either through contacting representatives, forming advocacy groups, participating in demonstrations, or the like.

Status Quo

As noted above, some believe that current campaign finance regulations and relevant Court rulings are fine as they are. These individuals contend that financial contributions by individuals, corporations, unions, non-profits, or other entities are a vital form of protected political speech that facilitate the presentation of various viewpoints. Writing for the majority in the *Citizens United* decision, Justice Anthony Kennedy, quoting the *Bellotti* case, argues, "Corporations and other associations, like individuals, contribute to the 'discussion, debate, and the dissemination of information and ideas' that the First Amendment seeks to foster" and that democracy is best served by "more speech, not less."³ Drawing on James Madison's argument in Federalist Paper 10, Justice Kennedy states that differing political views, "should be checked by permitting them all to speak . . . and by entrusting the people to judge what is true and what is false."⁴ According to this argument, financial contributions by individuals and joint associations, such corporations, unions, and non-profits, should be protected. Benjamin Barr, a senior fellow at the conservative Goldwater Institute, claims that as a result of the *Citizens United* decision, we have seen "more voices, more competition, and more accountability,"⁵ and Brad Smith, former FEC chair, argues that the 2012 Republican nomination was so competitive precisely *because* of the array of viewpoints expressed through campaign donations and the resulting ads (Beckel 2012).

Judicial Action

One way to alter current campaign finance regulations is for the Supreme Court to revise their ruling on the issues involved in *Citizens United* and *SpeechNow*. There have been instances in U.S. history in which the Court has reversed its prior decisions, most notably overturning the pro-segregation *Plessy* (1896) decision in *Brown* (1954). Given that *Citizens United* was a 5–4 decision, a different outcome may be feasible. There are two possible pathways to this outcome. First, the Court could hear another case involving similar issues and consider arguments and evidence about the consequences of their 2010 decision (e.g., see Figure 1). In 2012 the Supreme Court refused to hear a case challenging *Citizens United* and by a 5–4 vote struck down Montana's Corrupt Practices Act, but considering

the Court's division on this issue, another such case could have a different result.

Another judicial remedy to the current campaign finance system is to change the composition of the Supreme Court, which could then revisit the issues involved in *Citizens United* and perhaps reach a different decision. Whenever a justice retires or dies, new justices must be appointed by the president and confirmed by the Senate. The next time this occurs, citizens could pressure these elected leaders to consider the appointee's position on *Citizens United*. President Obama has spoken strongly against the ruling and may consider this issue if he has the chance to appoint another justice.

Legislative Action

There are also opportunities to tighten campaign finance regulations through legislative action. For example, Congress and/or state legislatures could enact laws to (1) require disclosure of all political donors, (2) limit donations to certain political entities, and (3) allow candidates to voluntarily participate in public financing of their campaigns. In fact, in 2012 Congress considered the Disclose Act, which would have required political groups to disclose the identities of their large donors, thus increasing transparency by enabling the public to learn who is sponsoring certain candidates and attack ads. Republicans in the Senate filibustered the bill, so no vote was taken on it. Still, eight of the nine Supreme Court justices have indicated that they would uphold such laws if they were enacted (Backer 2012).

Alternatively, expanding public funding options may also be viable. Current laws allow U.S. presidential candidates to accept about \$91 million in public grants for their campaigns if they do not accept private donations (Federal Election Commission 2012), and the proposed Fair Elections Now Act would provide a public financing option for congressional candidates. (Some countries *require* candidates to accept limited public funding,⁶ which is prohibited in the United States under the *Buckley v. Valeo* [1976] ruling.) Public financing frees politicians from the burdens of fundraising, limits the influence of large campaign donations, and enables individuals with limited resources to seek political office. Nonetheless, if unlimited donations to SuperPACs and other groups were still permitted, public financing might not reduce overall spending, and candidates (e.g., Obama and Romney in 2012) may opt out of public financing to secure the potentially greater private contributions.

Nonetheless, as the Constitution's Tenth Amendment indicates, states can pass laws that are more restrictive than federal law, and several have done so in the realm of campaign finance. For example, Maine has limited political expenditures by providing public funding to all candidates for major statewide office as long as they raise a threshold number of small contributions from registered

voters in their district and agree not to raise additional private money.⁷ Meanwhile, Montana law aims to restrict corporate campaign contributions, even for those who opt for private campaign funding (Caplan 2012). Nonetheless, these state laws may have limited impact on overall political spending, given that (1) current federal law allows groups unaffiliated with campaigns to engage in political advertising and (2) the legislation runs the danger of being overturned by federal courts, based on the *Citizens United* ruling.

Democratizing Corporate & Organizational Governance

Another opportunity for reducing campaign expenditures lies within the governance structures of organizations. Shareholders, union members, and supporters of non-profits often have a direct interest in how their organizations spend money, whether on specific goods, services, or political donations. Target, for example, recently donated \$150,000 to a Minnesota gubernatorial candidate opposed to gay rights, and the backlash included calls for a boycott that could have damaged the company's reputation and profits (Kammer 2012). Organizations are governed in a variety of ways, with some leaving decisions about political expenditures to managers and others allowing boards of directors or executive councils to weigh in. Shifting the balance of power toward more collective decision making could prevent these organizations from spending money recklessly on politics. In fact, federal legislation has been introduced to require companies to disclose political expenditures to shareholders and to require shareholder votes to authorize political expenditures.⁸ This would ensure shareholder checks on political spending by corporations and would likely result in general wider disclosure of contributions.

Constitutional Amendment

Some believe that the only way to definitively address the problem of rapidly expanding campaign spending is to pass a Constitutional amendment. In the current Congress, there have been more than a dozen resolutions calling for an amendment that would strengthen Congress's ability to limit corporate funding of election activities and nullify the *Citizens United* ruling. The legislatures of sixteen states (e.g., California, Connecticut, Hawaii, Massachusetts, New Jersey, New Mexico, and West Virginia) have approved resolutions or letters to Congress in support of a Constitutional amendment. In addition, voters in Montana and Colorado recently approved anti-*Citizens United* ballot measures with more than 70 percent of the electorate, signaling the bipartisan nature of this effort. Meanwhile, many other states have introduced similar resolutions in their legislatures, and several hundred municipalities have passed resolutions calling for a Constitutional amendment.⁹ For example, 84 percent of voters in

Madison, Wisconsin, passed a 2011 ballot resolution stating that (1) "Only human beings, not corporations, are entitled to constitutional rights" and (2) "Money is not speech, and therefore regulating political contributions is not equivalent to limiting political speech."¹⁰

The success of these efforts indicates that there may be sufficient support for a Constitutional amendment, but doing so would likely require substantial time. The most common way to amend the Constitution is for two-thirds of the House and Senate to approve an amendment and then for three-fourths of the state legislatures to do so. Although this is a high bar, the passage of so many local and state resolutions may signify a potential groundswell of support. Given that the Constitution and its amendments are the highest law of the land, this approach would significantly alter the legal landscape on election expenditures because even the Supreme Court would be bound by an amendment.

Fostering Interactive Classroom Discussions on Campaign Finance

We suggest that teachers use or modify the following strategies to prepare their students to analyze the issues and challenges involved with regulating money in elections. First, we recommend that teachers frame the issue by introducing the topic and posing the following essential question: "*What, if anything, can and should we do about the influence of money on U.S. elections?*" Next, students can explore independently or in groups the issues involved with big money in elections and consider the variety of ways to address or regulate campaign expenditures. Finally, students can demonstrate their learning through authentic assessment activities. (These strategies will be described further in their respective sections below.)

Numerous educational resources are posted online at www.teachingcampaignfinance.org to support teaching this topic. The site provides comprehensive descriptions of the pedagogical models mentioned below, a variety of discussion questions, and further information on possible assessments. In addition, the site includes relevant political cartoons, suggestions and links to videos on campaign finance, graphic organizers to support student engagement and learning, and a detailed list of articles for students to read about the five schools of thought for addressing campaign finance described above.

Framing the Issues

To introduce the lesson, it is helpful for teachers to consider three related goals: (1) stimulating students' interest, (2) building basic background knowledge, and (3) identifying the lesson's essential question. There are several ways to do each step, and below are a few suggestions.

Although students might not initially be interested in or know much about this issue, providing opening "hook"

activities that illustrate the ongoing challenges and conflicting perspectives on campaign finance can stimulate students' curiosity and introduce them to the topic. For example, students might evaluate the conflict between democratic ideals and corporate campaign funding by critically examining political cartoons on the topic or viewing brief video clips, such as the parody of the supposed independence of Stephen Colbert's SuperPAC (ColbertNation.com 2012).¹¹ This could be coupled with a more serious television news story on influence of money on elections (e.g., Cordes 2011). To generate interest in current legislation, teachers can ask students to read and discuss proposed congressional resolutions calling for a Constitutional amendment to enable campaign finance reform and eliminate the extension of Constitutional rights (i.e., corporate personhood) to corporate entities. Working with students to analyze these documents and media not only garners students' interest but it also conveys that they are part of a national conversation. Finally, students' participation in a brief election simulation involving campaign contributions, "airtime" for classroom advertising, and persuading undecided voters, could generate interest by giving students an experience with some of the financial realities involved in modern U.S. elections.

Once students develop an initial interest in the practical and ethical challenges involved in campaign finance, it is important to help them to build basic content knowledge about the issue. To do this, it is helpful for students to review and strengthen their understanding of key social studies concepts, including judicial review, the Constitution, freedom of speech, and competitive elections. Building on these concepts, students can then learn about the role of money in elections and representative democracy as well as possible future approaches to reform, as described above. For this purpose, the teacher can use a PowerPoint presentation, short overview film, readings, and/or an interactive lecture. Then to focus students' inquiry, the teacher can introduce the essential question noted above. If posted prominently and referenced repeatedly, this question can foster a powerful sense of purpose in the classroom. (TeachingCampaignFinance.org contains links to many documents and videos that would be helpful for framing the issue).

Fostering Productive, Interactive Discussions

After students have developed a general interest and basic background knowledge about campaign finance, they should have opportunities to inquire deeply into the controversial issues involved. The suggested activity options below are student-centered, so the educator's role is to first select a discussion mode that best aligns with her/his preferences and students' dispositions and then support students in their explorations, providing them with thought-provoking questions, rich resources, and appropriate structures.

Controversial Public Issue (CPI) Discussion

This model allows students to engage in a dynamic, open-ended discussion about a wide range of positions on an issue (Hess 2009). To have a rational, educative exchange, students should thoroughly examine rich but accessible readings and other resources exploring schools of thought depicted in Figure 2. A simple graphic organizer might support and provide scaffolding for the readings. For example, the graphic organizer might have three columns entitled (1) supporting arguments, (2) evidence or logical claims, and (3) student assessments/reflections, with a space for students to briefly explain their overall assessment of the school of thought. The teacher may choose to have students prepare for the class discussion individually, in pairs, or in small groups.

Just prior to the discussion, the teacher should remind students to respond to each other, support their claims with specific evidence, remain open to changing positions, and use proper discussion etiquette. Once students have had sufficient time to carefully review the rich resources provided, the deliberation can begin with the essential question. As students deliberate, the teacher can invite quieter students to become involved, and if the discussion stagnates, the teacher might pose additional questions to spark more thoughtful engagement. Productive questions may be posed by students or the teacher and can address a variety of issues, including ethics, evidence, policy, or Constitutionality.¹² (A wide variety of follow-up questions are listed on our site: www.teachingcampaignfinance.org. Examples are as follows: Should corporations, unions, nonprofits, and other associations have the right to contribute financially to elections to voice their views? Should the media be required to give free airtime to candidates?)

Jigsaw and Sort

Students can also learn about and evaluate issues and various schools of thought on campaign finance through cooperative learning. To learn and share knowledge about the issues, students can first participate in a *jigsaw* (Aronson, Blaney, Stephan, Sikes, and Snapp 1978). In this activity, students are assigned to five groups, one for each school of thought (see Figure 2), and using various materials, they study their assigned content and prepare to teach it to their classmates from the other groups. Next, in new groups with at least one "expert" in each school of thought, students teach and answer questions about what they learned in their first groups. Through these exchanges, students can interactively learn about the five schools of thought and also develop self-efficacy by teaching their peers.

After students have developed an understanding of these five perspectives, they are ready to analyze and evaluate these perspectives in a *sort* (Barlowe 2004). To begin, students can independently rank the five schools of thought in order of preference. Then, in pairs, students should spend a few minutes trying to reach consensus on their

favorite and least preferred options. Next, each set of partners can join with other pairs to discuss their rankings and again try to reach common ground. Even if consensus is not reached, these discussions are valuable for fostering analytical and evaluative cognition. Finally, to promote an engaging full-class discussion, the teacher should give placards to five students, each of whom “represent” a particular school of thought, and then ask different students to arrange those students with the placards in order from most to least preferred and explain their order’s rationale. As in the CPI above, it is important to emphasize the importance of etiquette and evidence-based arguments throughout this process.

Structured Academic Controversy

For a discussion that focuses more closely on one particular issue or policy, we recommend facilitating a *structured academic controversy* (SAC; Johnson and Johnson 1995). With this strategy, frame a specific question related to one school of thought, such as, “*Should the U.S. Constitution be amended to eliminate corporate personhood and allow Congress to limit corporate and union political contributions?*” Then in small groups, students should have the opportunity to examine the arguments for and against, thus allowing for thorough analysis and evaluation of the issue.

To facilitate this activity, the teacher first divides students into groups of four or six, and then half of each group learns about one side of the argument through targeted readings or other media. Next, each dyad or triad presents their side of the argument uninterrupted and afterward responds to questions from the other side. Then, using their notes and other resources, they switch roles and present an argument from the opposite perspective. Once this role play is complete, all students in the group have an open discussion aimed at reaching consensus on some aspect of the issue. Finally, the teacher facilitates a full-class discussion of the question, starting with each group’s issues of consensus and disagreement.¹³ (For more details about this approach, please see Hartwick and Levy 2012.)

Regardless of the discussion strategy selected, following each discussion, students should engage in collective and/or individual reflection about the quality of their deliberations. This supports meta-cognition and prepares students for productive discussions in the future.

Assessment

During and after students’ active exploration of campaign finance issues, there are many ways to assess their learning. As formative assessment, teachers can consider how carefully and accurately students complete their graphic organizers, share ideas with their peers, and/or analyze and evaluate key arguments related to the five schools of thought. After these activities, we suggest asking students to return to the essential question and to choose one of

several summative assessment options. Students who prefer analytical writing could compose a letter to an elected official, parent, friend, or newspaper describing his or her answer to the essential question and providing a thorough rationale for their position. Those who enjoy public speaking could prepare a presentation, which they could share at a community center, nursing home, classroom, community meeting, or elsewhere. Meanwhile, artistic students could create a poster, song, rap, political cartoon, game, play, or other product that illustrates issues related to campaign finance and accompany these with a clear explanation of the ideas represented. To encourage thoughtful projects in each genre, teachers could require students to include various elements, such as a logical argument, sufficient supporting evidence, and linguistic clarity. Finally, to help students to consider how to achieve their political goals, we recommend that teachers ask students to describe how they might advocate for their views, whether by persuading others, pressuring elected leaders, and building coalitions. (See Appendix for a teacher’s description of enacting a SAC.)

Conclusion

Our elections involve enormous financial contributions, and citizens have begun to realize that we need to clean up our election system if we want it to effectively respond to the desires of the broad populous. Changing our current electoral processes would inevitably involve both costs and benefits, but it is important for tomorrow’s voters to understand the issues at stake and how to have their voices heard. The strategies outlined above can facilitate students’ learning about not only campaign finance but also freedom of speech, fair elections, and representative leadership while also providing practice in vital listening and communication skills. Grappling with these central tenets of democracy and practicing collaborative citizenship skills can prepare students to become thoughtful, politically engaged citizens.

Acknowledgments

The authors would like to thank James Beane for inspiring us to write this article and Mike McCabe for providing feedback on our description of campaign finance regulations.

Notes

1. Bruce Crumley, “France’s Stringent Election Laws: Lessons for the America’s Free-for-All Campaigns,” *Time Magazine: World*, April 20, 2012. <http://world.time.com/2012/04/20/frances-stringent-election-laws-lessons-for-the-americas-free-for-all-campaigns/>.

2. "National Survey: Super PACs, Corruption, and Democracy," Brennan Center for Justice, New York University School of Law, www.brennancenter.org/content/resource/national_survey_super_pacs_corruption_and_democracy/.
 3. 558 U.S. at 26. *First National Bank of Boston v. Bellotti*, 435 U.S. 783 (1978).
 4. *Ibid.*
 5. Beckel, "Conservative Lawyers Dismiss Threat..." <http://www.iwatchnews.org/2012/02/10/8126/cpac-panel-celebrate-citizens-united-ruling>.
 6. Crumley, "France's Stringent Election Laws..." <http://world.time.com/2012/04/20/frances-stringent-election-laws-lessons-for-the-americas-free-for-all-campaigns/>.
 7. "Campaign Finance Reform: State by State," *Citizens For Election Reform*, <http://www.cfer.us/pageView.asp?PageID=32>.
 8. *Shareholder Protection Act of 2011*, H.R. 2517, 112th Cong., 2nd sess.
 9. Paul Blumenthal, "Citizens United Third Anniversary Marked by Reformers with Push for Constitutional Amendment" *Huffington Post*, http://www.huffingtonpost.com/2013/01/19/citizens-united-third-anniversary_n_2511103.html.
 10. "South Central Wisconsin Move to Amend: About Us," http://scwmta.org/?page_id=266.
 11. ColbertNation.com. "Colbert Super PAC—Coordination Resolution with Jon Stewart." <http://www.colbertnation.com/the-colbert-report-collections/422540/most-watched-of-2012/405889>.
 12. Constitutional questions ask what is legal under the Constitution. (Are financial campaign contributions equivalent to protected political speech, and if so, can these be legally regulated?) Ethical questions focus on principals of justice, equity, and proper behavior. (Do corporations that make large donations to political campaigns have an unfair advantage over less wealthy citizens?) Policy questions focus what is the best or the most appropriate approach given the conditions. (How might we best address the problems associated with campaign finance?) Evidentiary questions address matters of fact that evidence might answer now or in the future. (Do independent expenditures by corporations and other entities lead to corruption or the appearance of corruption?)
 13. "Deliberating in a Democracy," [deliberating.org](http://www.did.deliberating.org/lessons/proceduresvideo.html), <http://www.did.deliberating.org/lessons/proceduresvideo.html>.
- Aronson, Elliot, Nancy Blaney, Cookie Stephan, Jev Sikes, and Matthew Snapp. *The Jigsaw Classroom*. Beverly Hills, CA: Sage, 1978.
- Backer, Jonathan. "Not Buying Senator McConnell's Position on Disclosure." *Huffington Post: Brennan Center for Justice Blog*. http://www.huffingtonpost.com/the-brennan-center-for-justice/senator-mcconnell-disclosure_b_1617069.html.
- Barlowe, Avram. *Teaching American History: An Inquiry Approach*. New York: Teachers College Press, 2004.
- Beckel, Michael. "Conservative Lawyers Dismiss Threat of Foreign Money, Anonymous Political Spending at CPAC." *iWatch News: The Center for Public Integrity*. <http://www.iwatchnews.org/2012/02/10/8126/cpac-panel-celebrate-citizens-united-ruling>.
- . "CPAC Panel: 'Celebrate' Citizens United Ruling: Conservative Lawyers Dismiss Threat of Foreign Money, Anonymous Political Spending at CPAC." <http://www.publicintegrity.org/2012/02/10/8126/cpac-panel-celebrate-citizens-united-ruling>.
- Blumenthal, Paul. "Citizens United Third Anniversary Marked by Reformers with Push for Constitutional Amendment." *Huffington Post*. http://www.huffingtonpost.com/2013/01/19/citizens-united-third-anniversary_n_2511103.html.
- Brennan Center for Justice, New York University School of Law. "National Survey: Super PACs, Corruption, and Democracy." www.brennancenter.org/content/resource/national_survey_super_pacs_corruption_and_democracy/.
- Brown v. Board of Education*, 347 U.S. 483 (1954).
- Buckley v. Valeo* 424 U.S. 1 (1976).
- Campaign Finance Institute. "Obama's Small-Dollar Percentage Down Slightly in February; Santorum's Stayed High; Romney's Stayed Low." http://cfinst.org/Press/PRelases/12-03-22/Obama%E2%80%99s_Small-Dollar_Percentage_Down_Slightly_in_February_Santorum%E2%80%99s_Stayed_High_Romney%E2%80%99s_Stayed_Low.aspx.
- Caplan, Lincoln. "Can State Laws Cohabit with Citizens United?" *New York Times*. <http://www.nytimes.com/2012/05/27/opinion/sunday/can-state-laws-cohabit-with-citizens-united.html>.
- Citizens for Election Reform. "Campaign Finance Reform: State by State." <http://www.cfer.us>.
- Citizens United v. Federal Elections Commission*, 558 U.S. 50 (2010).
- ColbertNation.com. "Colbert Super PAC—Coordination Resolution with Jon Stewart." <http://www.colbertnation.com/the-colbert-report-collections/422540/most-watched-of-2012/405889>.
- Cordes, Nancy. "Colbert Gets a Super PAC; So What Are They?" *CBS News*, June 30, 2011.
- Crumley, Bruce. "France's Stringent Election Laws: Lessons for the America's Free-for-All Campaigns." <http://world.time.com/2012/04/20/frances-stringent-election-laws-lessons-for-the-americas-free-for-all-campaigns/>.
- . "France's Stringent Election Laws: Lessons for the America's Free-for-All Campaigns." *Time Magazine*. <http://world.time.com/2012/04/20/frances-stringent-election-laws-lessons-for-the-americas-free-for-all-campaigns/>.
- "Deliberating in a Democracy." [deliberating.org](http://www.did.deliberating.org/lessons/proceduresvideo.html), <http://www.did.deliberating.org/lessons/proceduresvideo.html>.
- Federal Election Commission. "Presidential Spending Limits for 2012." http://www.fec.gov/pages/brochures/pubfund_limits_2012.shtml.
- "H.R. 2517 (112th): Shareholder Protection Act of 2011," 2011.
- Hahn, C. L. "Citizenship Education: An Empirical Study of Policy, Practices, and Outcomes." *Oxford Review of Education* 25, no. 1–2 (1999): 231–50.
- Hartwick, James M. M., and Brett L. M. Levy. "Teaching about Big Money in Elections: To Amend or Not to Amend the U.S. Constitution?" *Social Education* 76, no. 5 (2012), pp. 236–41.
- Hess, Diana. *Controversy in the Classroom: The Democratic Power of Discussion*. New York: Routledge, 2009.
- Johnson, David, and Roger Johnson. *Creative Controversy: Intellectual Conflict in the Classroom*, 3rd ed. Edina, MN: Interaction, 1995.

References

ABC News. "Jon Stewart to Oversee Stephen Colbert SuperPAC." YouTube, <http://www.youtube.com/watch?v=AuqSELPyNSo>.

- Kahne, J., D. Crow, and N. Lee. "Different Pedagogy, Different Politics: High School Learning Opportunities and Youth Political Engagement." *Political Psychology* 34, no. 3 (2012): 419–41.
- Kammer, Anthony. "Re-Examining Corporate Governance after Citizens United." PolicyShop.Net: The Demos Weblog. <http://www.policyshop.net/home/2012/2/14/reexamining-corporate-governance-after-citizens-united.html>.
- Kiely, Kathy. "Money in Politics Drives Up US Corruption Perception Index." Sunlight Foundation. <http://reporting.sunlightfoundation.com/2012/money-politics-drives-us-corruption-perception-index/>.
- Meyer, Theodor. "How Much Did Sheldon Adelson Really Spend on Campaign 2012?" <http://www.propublica.org/article/how-much-did-sheldon-adelson-really-spend-on-campaign-2012>.
- Morrel, M. E. "Deliberation, Democratic Decision-making and Internal Political Efficacy." *Political Behavior* 27, no. 1 (2005): 49–69.
- National Council for the Social Studies. *National Curriculum Standards for Social Studies: A Framework for Teaching, Learning, and Assessment*. Silver Spring, MD: NCSS, 2010.
- National Governors Association Center for Best Practices and Council of Chief State School Officers. *Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects*, 2012. <http://www.corestandards.org/ELA-Literacy>
- Pew Research Center. "Public Priorities: Deficit Rising, Terrorism Slipping: Complete Report." <http://www.people-press.org/2012/01/23/section-1-the-publics-policy-priorities/>.
- Plessy V. Ferguson*, 163 U.S. 537 (1896).
- "South Central Wisconsin Move to Amend: About Us." http://scwmta.org/?page_id=266.
- Speechnow.Org V. Federal Election Commission*, 599 F.3d 686 (2010).
- Steiner, Keenan. "Super Pac Spending Crosses \$100 Million: Where Did It All Go?" Sunlight Foundation Reporting Group. <http://reporting.sunlightfoundation.com/2012/what-100-million-gets-you/>.
- Taranto, James, "Bernie Sanders's America: A Socialist Senator's Monstrous Fantasies." *The Wall Street Journal*, sec. Opinion, December 13, 2011.

Appendix

A Voice from the Field

Scott Gudgel

As a teacher in a diverse public high school where students come to class with varying (and often strongly held) political perspectives, I thought the structured academic controversy model would be a good way for students to learn differing perspectives about campaign finance. I also hoped that this method would help my students practice civil discourse skills—listening to each other's points, constructing reasoned arguments, asking constructive questions—which they don't see enough on the TV news. I taught the lesson to several classes, and although I achieved my objectives, some challenges arose as well.

First, to make sure they were ready, I told them the purpose of the lesson and then spent two class periods building their background knowledge about the role of money in elections and leading a discussion about appropriate classroom norms for deliberating controversial issues (no personal attacks, let others finish speaking, etc.). After that, I broke students into groups of four and, as described above, had them work in pairs to study and then represent the arguments for and against amending the Constitution to address the holes in our campaign finance system. To end the four days of instruction, we had a full class discussion that surfaced many of the details of the amendment, the extent to which money corrupts politics, and the implications for our country's future.

Based on students' comments during these discussions, essay assessments, and exchanges that we had weeks and months later, it was clear to me that they developed an appreciation for both sides of the issue. Meanwhile, during the discussion, students for the most part (and with some occasional nudging) took notes on each other's points and summarized arguments and evidence concisely. Shortly after the lesson, several students told me that the experience had changed their views on the issue. When I asked one of them her reason, she said that she simply was able to make a more informed choice after learning about the argument and the information on both sides.

Despite these positive outcomes, students' greater understanding of the role of money in politics seemed to increase their cynicism about American democracy. Given that one of my goals as a teacher is to foster political engagement, I was a little alarmed by this and tried to "right the ship" by asking a series of questions about what they could do to address the problems that they saw. For example, I asked my classes, "If you think there's a problem here, how can we change the system? How can we make the democratic process more inclusive?" The resulting discussion generated a number of ways that students could become involved in this issue (on either side) by voting, joining, or starting an organization, or even simply sharing information with friends and family. Although campaign finance issues may seem daunting for students (and teachers), ultimately I think that it is important for citizens to understand that our electoral process is complex, continually evolving, and subject to debate, and this lesson helped to open their eyes to this important idea.