

What the Citizens United overruled was the departure from precedent. And Citizens United did not give rise to unfettered campaign spending.

The Supreme Court case in 1976, in *Buckley v. Valeo*, ruled that independent expenditures could not be limited. That decision was not the work of a supposed conservative judicial activist. Wealthy individuals have been able to spend unlimited amounts since then. And corporations and others have been able to make unlimited donations to 501(c)(4) corporations since then as well.

As Mr. Abrams wrote to the Judiciary Committee in questions for the record:

What Citizens United did do, however, is permit corporations to contribute to PACs that are required to disclose all donors and engage only in independent expenditures.

If anything, Citizens United is a pro-disclosure ruling which brought corporate money further into the light.

And it is this amendment, not Citizens United, that fails to respect precedent. It does not simply overturn one case. As Mr. Abrams responded, it overturns 12 cases, some of which date back almost 40 years. As the amendment has been redrafted, it may be 1½ now, depending upon what the word “reasonable” means.

Justice Stevens, whom the committee Democrats relied on at length in support of the amendment, voted with the majority in three of the cases the amendment would overturn. Some members of the committee may not like the long-established broad protections for free speech that the Supreme Court has reaffirmed, but that does not

mean there are five activists on the Supreme Court. The Court ruled unanimously in more cases this year than it has in 60 or 75 years, depending on whose figures you use. Its unanimity was frequently demonstrated by rejecting arguments of the Obama administration.

I have made clear that this amendment abridges fundamental freedoms that are the birthright of Americans. The arguments made to support it are unconvincing. The amendment will weaken, not strengthen, democracy. It will not reduce corruption, but will open the door for elected officials to bend democracy’s rules to benefit themselves.

The fact that the committee reported this amendment is a very great testimony to the wisdom of our Founding Fathers in insisting on and adopting the Bill of Rights in the first place. As Justice Jackson famously wrote:

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.

One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

We must preserve our Bill of Rights, including our rights to free speech. We must not allow officials to diminish and ration any one of the Bill of Rights, but especially the first one, which is so important. We must not let the proposal become the supreme law of the land.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:51 p.m., adjourned until Wednesday, July 30, 2014, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF STATE

DAVID NATHAN SAPERSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE SUZAN D. JOHNSON COOK.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 2014:

DEPARTMENT OF STATE

LARRY EDWARD ANDRE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

MICHAEL STEPHEN HOZA, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

JOAN A. POLASCHIK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE’S DEMOCRATIC REPUBLIC OF ALGERIA.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT ALAN MCDONALD, OF OHIO, TO BE SECRETARY OF VETERANS AFFAIRS.