CONTENTS

FOREWORD Richard C. Leone vii

PREFACE Michael Waldman xi

1. INTRODUCTION Monica Youn 1

PART I: “ELECTORAL EXCEPTIONALISM”: DO ELECTIONS HAVE SPECIAL STATUS UNDER THE FIRST AMENDMENT? 9

2. CAMPAIGN FINANCE REGULATION AND FIRST AMENDMENT FUNDAMENTALS Robert Post 11

3. ELECTIONS AS A DISTINCT SPHERE UNDER THE FIRST AMENDMENT Richard H. Pildes 19


PART II: MONEY AND RIGHTS: WHEN DOES SPENDING EQUAL SPEECH? 55

5. MONEY AND RIGHTS Deborah Hellman 57

6. NONPARTICIPATORY ASSOCIATION AND COMPelled POLITICAL SPEECH: CONSENT AS A CONSTITUTIONAL PRINCIPLE IN THE WAKE OF CITIZENS UNITED Frances R. Hill 77

7. FIRST AMENDMENT FAULT LINES AND THE CITIZENS UNITED DECISION Monica Youn 95

PART III: CORRUPTION AND DEMOCRACY: CAN POLITICAL SPENDING UNDERMINE OUR REPUBLIC? 117
8. On Political Corruption  *Samuel Issacharoff*  
9. The Unenforceable Corrupt Contract: Corruption and Nineteenth-Century Contract Law  *Zephyr Teachout*  
10. Citizens United and Equality Forgotten  *Mark C. Alexander*  

**PART IV: A JUDGE-MADE DEMOCRACY: THE CONSTITUTIONALIZATION OF POLITICAL SPENDING**  
11. On Dejudicializing American Campaign Finance Law  *Richard Briffault*  
12. Felix Frankfurter’s Revenge: An Accidental Democracy Built by Judges  *Burt Neuborne*  

Notes  
Index  
About the Contributors