Florida Law Review

Volume 53 | Issue 1 Article 4

January 2001

Constitutional Law: The Not So Narrow Tailoring of State Limits on Campaign Contributions

Justin B. Uhlemann

CASE COMMENT

CONSTITUTIONAL LAW: THE NOT SO NARROW TAILORING OF STATE LIMITS ON CAMPAIGN CONTRIBUTIONS

Nixon v. Shrink Missouri Government PAC, 120 S. Ct. 897 (2000)

*Justin B. Uhlemann**

Respondents, a political action committee and an unsuccessful candidate for state auditor in Missouri's Republican primary, filed suit in the United States District Court for the Eastern District of Missouri, challenging provisions of Missouri's campaign finance statute.[1] Missouri's statute limited contributions to candidates for state auditor to $1075 per election.[2] Respondents claimed that this limit infringed on their First Amendment rights of free speech and association by preventing them from waging an effective campaign.[3] The United States District Court for the Eastern District of Missouri sustained the statute on cross-motions for summary judgment.[4] Purportedly applying strict scrutiny, the district court found that Missouri's $1075 limit on contributions was narrowly tailored to the compelling state interest of preserving the integrity of the election process.[5]

---

* To my parents, Edward and Rebecca Uhlemann, for their boundless inspiration and support.

1. Shrink Mo. Gov't PAC v. Adams, 5 F. Supp. 2d 734, 734 (E.D. Mo. 1998). Shrink Missouri Government PAC gave $1,025 in 1997 and another $50 in 1998 to Zev David Fredman's campaign for the Republican nomination for Missouri state auditor. *Id.* at 737. Shrink Missouri Government PAC represented that it would have given more to Mr. Fredman's campaign but for Missouri's statutory limitation. *Id.*

2. MO. REV. STAT. § 130.032 (1997). As amended in 1997, Missouri's campaign finance statute imposed a $1000 ceiling on contributions from individuals and political action committees to individual candidates for all statewide offices including state auditor. *Id.* § 130.032(1). This ceiling is adjusted every two years for inflation based upon the cumulative consumer price index, and at the time of this suit was $1075. *Id.* § 130.032(2) (1997); *Adams*, 5 F. Supp. 2d at 735.

3. *Adams*, 5 F. Supp. 2d at 736. Respondents also alleged Missouri's campaign finance statute violated their equal protection rights under the Fourteenth Amendment, but both lower courts and the Supreme Court concentrated upon Respondents' First Amendment claims. *See* Nixon v. Shrink Mo. Gov't PAC, 120 S. Ct. 897, 902 (2000).

4. Adams, 5 F. Supp. 2d at 738-42 (finding Buckley v. Valeo, 424 U.S. 1 (1976) (per curiam) to be controlling).

5. *See id.* The district court stated that "[i]t is firmly settled that regulation of first amendment rights is 'always subject to *exacting* judicial review.'" *Id.* at 737 (emphasis added) (quoting Citizens Against Rent Control v. Berkeley, 454 U.S. 290, 294 (1981)). The court added that "'[e]xacting review' means 'strict scrutiny.'" *Id.*

The United States Court of Appeals for the Eighth Circuit reversed, holding that Missouri failed to demonstrate sufficient empirical evidence of local corruption, actual or perceived, to survive strict scrutiny.[6] The Supreme Court, however, upheld the district court's ruling and expressly reaffirmed *Buckley v. Valeo*,[7] its seminal case on campaign finance regulation.[8] The *Buckley* Court held that campaign contribution limits must be "closely drawn" to prevent corruption or its perception "to avoid unnecessary abridgment of associational freedoms."[9] In affirming *Buckley*, the *Nixon* court HELD that *Buckley* is the authority for state regulation of campaign contributions, but actual state limits need not be economically proportional to *Buckley's* dollars.[10]

The Founding Fathers created the First Amendment in large part to protect political speech and association, which they deemed essential to a healthy representative democracy.[11] As the United States progressed economically and technologically over the next two centuries, political contributions became an increasingly important and effective way for Americans to participate in the political process.[12] After Watergate and the campaign finance abuses revealed in its wake,[13] Congress enacted the Federal Election Campaign Act of 1971[14] limiting individual campaign

6. Shrink Mo. Gov't PAC v. Adams, 161 F.3d 519, 520-22 (8th Cir. 1998). The *Adams* court first enjoined enforcement of Missouri's statute before ultimately striking it down as unconstitutional on its face. Shrink Mo. Gov't PAC v. Adams, 151 F.3d 763, 765 (8th Cir. 1998). The Eighth Circuit, in applying strict scrutiny, relied upon *Buckley v. Valeo*, 424 U.S. 1 (1976) (per curiam) (upholding federal contribution limit of $1000 in 1976). *Adams*, 161 F.3d at 521-22. In a separate portion of the majority opinion, Chief Judge Bowman also compared Missouri's $1075 limit to *Buckley's* $1000 limit in 1976. *Id.* at 522. Stating that $1075 in 1976 was the economic equivalent of $378 in purchasing power in 1998, Chief Judge Bowman would have also found that Missouri's statute was insufficiently tailored to preserving the integrity of the election process. *Id.*

7. 424 U.S. 1 (1976) (per curiam).

8. *See Nixon*, 120 S. Ct. at 910.

9. *Buckley*, 424 U.S. at 25.

10. *Nixon*, 120 S. Ct. at 901.

11. *See, e.g., id.* at 916-17 (Thomas, J., dissenting) (citing Mills v. Alabama, 384 U.S. 214, 218 (1966); Whitney v. California, 274 U.S. 357, 375 (1927) (Brandeis, J., concurring)); *Buckley*, 424 U.S. at 15 ("[T]he constitutional guarantee [of free speech] has its fullest and most urgent application precisely to the conduct of campaigns for political office.") (quoting Monitor Patriot Co. v. Roy, 401 U.S. 265, 272 (1971)).

12. *See, e.g., Nixon*, 120 S. Ct. at 919-21 (noting that political candidates have become increasingly reliant upon individual campaign contributions).

13. *See, e.g.*, HERBERT E. ALEXANDER, FINANCING POLITICS: MONEY, ELECTIONS, AND POLITICAL REFORM 32 (1992). For instance, President Nixon's Committee to Reelect the President purportedly raised over $50,000,000 in violation of then existing federal campaign finance regulations. *See id.*

14. 2 U.S.C. § 441a (2000). The Federal Election Campaign Act of 1971 limited campaign contributions linked to particular candidates to $1000 per election for individuals and $5000 per election for political action committees, and these same limits remain today. *See id.*

contributions linked to particular candidates. This clash of political culture with apparent institutional impropriety launched a complex constitutional discourse about campaign finance reform which continues to this day.

The Supreme Court initially addressed the First Amendment implications of governmental limits on campaign contributions shortly after the enactment of the Federal Election Campaign Act of 1971.[15] In *Buckley*, the Supreme Court upheld limits of $1000 for individuals and $5000 for political action committees on campaign contributions linked to particular candidates for federal office.[16] The Court decided that campaign contribution limits primarily implicated the First Amendment freedom of political association.[17] Regarding associational freedoms as *fundamental*, the *Buckley* Court held that campaign contribution limits must be examined with the "closest scrutiny."[18] More specifically, the *Buckley* Court stated that campaign contribution limits must be "closely drawn" to eliminate corruption, or its perception, without unnecessarily abridging associational freedoms.[19]

Applying this standard, the *Buckley* Court concluded that the federal limits were sufficiently tailored, because they targeted "large" contributions,[20] restricted only one aspect of political association,[21] and did not have a substantial impact upon political dialogue.[22] The Court further

---

15. *See Buckley*, 424 U.S. at 24.

16. *Id.*

17. *Id.* at 24-25. Campaign contribution limits also impact the First Amendment freedom of speech, but the *Buckley* Court decided that a statutory limit which survived judicial scrutiny of its impact upon the freedom of association, *a fortiori*, would survive scrutiny of its impact upon the freedom of speech. *Id.* The instant Court expressly adopted this position without reexamining its premises, analytical framework, or constitutional support. *See Nixon*, 120 S. Ct. at 904-05.

18. *Buckley*, 424 U.S. at 24-25 (quoting NAACP v. Alabama, 357 U.S. 449, 460 (1958) (emphasis added) (holding governmental action to *closest scrutiny* when freedom to associate may be curtailed)). While the *Buckley* Court never expressly invoked strict scrutiny, its superlative "closest scrutiny" connotes something akin to traditional strict scrutiny analysis. *See id.* Furthermore, the *Buckley* Court explicitly rejected intermediate scrutiny, and many of the precedents it relied upon in articulating its standard of review applied something akin to strict scrutiny when examining alleged infringement of the First Amendment freedom of association. *See id.* "Precision about the relative rigor of the standard to review contribution limits was not a pretense of the *Buckley* per curiam opinion." *Nixon*, 120 S. Ct. at 903. The *Buckley* Court simply deferred to the "rigorous standard of review established by our prior decisions." *Buckley*, 424 U.S. at 29. Whether or not the *Buckley* Court actually applied the standard it articulated is another question altogether.

19. *Buckley*, 424 U.S. at 24-25.

20. *Id.* at 28-29.

21. *Id.* The Court stressed that the federal regulations left individuals "free to engage in independent political expression, to associate actively through volunteering their services, and to assist to a limited but nonetheless substantial extent in supporting candidates with financial resources." *Id.* at 28.

22. *Id.* The *Buckley* Court stated (with little evidentiary foundation) that the federal campaign

found that bribery laws and strict disclosure requirements did not constitute less restrictive means, because they were only partial solutions to electoral corruption and its perception.[23] Finally, the *Buckley* Court largely deferred the fine tuning of specific dollar amounts to legislative discretion.[24]

In the two decades following the landmark *Buckley* decision, courts have inconsistently interpreted and applied the standard of review articulated in *Buckley*. During the past five years, for example, the United States Court of Appeals for the Eighth Circuit has significantly augmented its judicial oversight of state limits adopted within its jurisdiction.[25] Indeed, the Eighth Circuit's interpretation of *Buckley's* requisite nexus between actual contribution limits and empirical evidence of corruption or its perception spurred the instant Court to grant certiorari.[26]

In *Day v. Holohan*,[27] the Eighth Circuit struck down a Minnesota statute[28] limiting individual campaign contributions to political committees to $100 per election. The court found that this limit was "too low to allow meaningful participation in protected political speech and association."[29] Furthermore, the *Day* court implied that trial courts should first adjust statutory limits for inflation since 1976 before applying the *Buckley* standard.[30] Adjusted for inflation, the $100 limit was the equivalent of $40.60 in 1976.[31] By inviting lower courts to index state limits for inflation since 1976 and to compare this number with the *Buckley* $1000 benchmark, the Eighth Circuit placed a substantial number of campaign

---

contribution limits did not materially effect the discussion of political issues and candidates by individuals, associations, the press, other candidates, or political parties. *Id.* at 28-29. In specifically considering the impact of the federal limits on candidates, the *Buckley* Court focused upon the impact on candidates as a whole as opposed to the impact on any particular candidate. *See id.*

23. *Id.* at 27-28.

24. *See id.* at 29-30. The *Buckley* Court stated that distinctions regarding the actual dollar limits employed were only judicially significant when they amounted to differences in kind (as opposed to degree) from constitutional limits. *Id.* Furthermore, although the *Buckley* Court held that Congress's $1000 limit was not necessarily a constitutional floor, *see id.*, many subsequent decisions have utilized the *Buckley* $1000 limit as a benchmark or guide for their analysis.

25. *See* Carver v. Nixon, 72 F.3d 633, 635 (8th Cir.1995); Day v. Holohan, 34 F.3d 1356, 1366 (8th Cir. 1994); *see also* Russell v. Burris, 146 F.3d 563, 568 (8th Cir. 1998).

26. *See* Nixon v. Shrink Mo. Gov't PAC, 120 S. Ct. 897, 903 (2000). The instant Court also cited the large number of states which limit political contributions. *See id. See generally* E. FEIGENBAUM & J. PALMER, CAMPAIGN FINANCE LAW 93 (1998) (citing states which limit political contributions). *See, e.g.*, FLA. STAT. § 106.08 (2000) (establishing a $500 limit on contributions per election).

27. 34 F.3d 1356, 1366 (1994).

28. MINN. STAT. § 10A.12 (1993).

29. *Day*, 34 F.3d at 1366.

30. *See id.*

31. *Id.*

finance statutes in danger of invalidation, because many unadjusted state limits were near or below the $1000 benchmark.

One year later, in *Carver v. Nixon,*[32] the Eighth Circuit also interpreted the *Buckley* standard to require a close nexus between contribution limits and the actual empirical harm they were specifically enacted to prevent. In *Carver,* the Eighth Circuit struck down a Missouri voter proposition[33] which limited campaign contributions to individual candidates to between $100 and $300 per election cycle.[34] The *Carver* court held that the actual state limits must be narrowly tailored to local empirical evidence of corruption[35] or its perception.[36] The court insisted that states demonstrate that the "'regulation will in fact alleviate [real] harms in a direct and material way.'"[37] The *Carver* court's interpretation and application of *Buckley's* standard more closely resembles the type of heightened scrutiny articulated, yet arguably not applied in *Buckley.* Accordingly, the Eighth Circuit again restricted further campaign finance reform by requiring states to demonstrate a close nexus between the actual harm claimed and the specific limits imposed.

The instant Court found that *Buckley* still controlled the constitutionality of governmental limits on campaign contributions, but held that specific contribution limits need not be economically proportional to *Buckley's* dollars.[38] Furthermore, the instant Court found that *Buckley* did not *per se* require any consideration of inflation.[39] The instant Court simply inquired whether there was any showing that the limits impeded the ability of candidates to "amass the resources

---

32. 72 F.3d 633, 642 (8th Cir. 1995).

33. PROPOSITION A, MO. REV. STAT. § 130.100 (1995). After the *Carver* court struck down the Missouri voter initiative as unconstitutional on its face, previously enacted MO. REV. STAT. § 130.032 (1997) was revived and ultimately gave rise to the instant Court's decision.

34. *Carver,* 72 F.3d at 634.

35. *Id.* at 642. *Buckley* apparently did not require substantial empirical evidence of actual local corruption or its perception, although the Court relied upon campaign finance abuses revealed during the Watergate hearings. *See Buckley,* 424 U.S. at 26-27. Subsequent decisions, however, arguably extended *Buckley* and required heightened evidentiary showings of local proof before accepting the prevention of corruption or its appearance as a compelling governmental objective. *See* Russell v. Burris, 146 F.3d 563, 568 (8th Cir. 1998). In the instant case, however, the Court refused to specifically delineate the quantity of evidence constitutionally required. Nixon v. Shrink Mo. Gov't PAC, 120 S. Ct. 897, 909 (2000).

36. *Carver,* 72 F.3d at 640-43.

37. *Id.* at 638 (citing United States v. Nat'l Treasury Employees Union, 513 U.S. 454, 475 (1995) (quoting Turner Broad. Sys., Inc. v. Fed. Communications Comm'n, 512 U.S. 622, 664 (1994))).

38. *Nixon,* 120 S. Ct. at 901.

39. *Id.* at 909. *But cf.* Day v. Holohan, 34 F.3d 1356, 1366 (8th Cir. 1994) (indexing for inflation).

necessary for effective advocacy."[40] The instant Court found no evidence of suppressed political advocacy since enactment of the statute, but admittedly concentrated its analysis upon candidates as a group.[41] It asked whether the limits made political association ineffective, prevented candidate's voices from being noticed, and rendered contributions pointless.[42] While explicitly reaffirming the authority of *Buckley*, the instant Court arguably relaxed the narrow tailoring recently required by the Eighth Circuit. Consequently, the instant Court halted the Eighth Circuit's recent active oversight of campaign contribution limits and paved the way for more extensive campaign finance reform.

By reaffirming the vitality of *Buckley*, however, the instant Court leaned upon the case whose progeny prompted this decision in the first place without significantly advancing the constitutional discourse. The *Buckley* Court purported to apply "closest scrutiny" after invoking decisions which analyzed infringement of the freedom of association with something akin to strict scrutiny.[43] The *Buckley* Court's articulation and application of its standard of review, however, ultimately led to inconsistent interpretations of its requisite scrutiny.[44] The instant Court failed to adequately clear up exactly what level of scrutiny *Buckley*

40. *Nixon*, 120 S. Ct. at 908-09 (quoting *Buckley*, 424 U.S. at 21). The *Buckley* Court mentioned that campaign contribution limits could seriously impact political dialogue if they prevented candidates from amassing enough resources to effectively advocate their candidacy. *Buckley*, 424 U.S. at 21; *see also* Curtis K. Tao, *A Compelling Opportunity to Rethink the Flawed Evolution of Contribution Speech*, 51 RUTGERS L. REV. 1345, 1365-67 (1999) (arguing so many other factors impact *effective advocacy* that any standard based upon *effective advocacy* is ultimately unworkable). However, the *Buckley* Court found that there was no indication that the $1000 federal limit unduly hampered the funding of the average political campaign. *Buckley*, 424 U.S. at 21.

41. *See Nixon*, 120 S. Ct. at 909. The instant Court stated that "a showing of one affected individual does not point up a system of suppressed political advocacy that would be unconstitutional under *Buckley*." *Id.*

42. *Id.*

43. *See Buckley*, 424 U.S. at 19-40.

44. *See id.* While the *Buckley* Court purported to apply "closest scrutiny," it arguably applied a standard much more lenient. *See id.* This apparent divergence of word and act led to inconsistent interpretations of *Buckley's* requirements in subsequent cases. "The analytic foundation of *Buckley*... was tenuous from the very beginning and has only continued to erode in the intervening years." *Nixon*, 120 S. Ct. at 917-18 (Thomas, J., dissenting). The instant Court failed to eliminate the confusion by reaffirming *Buckley* without qualifying the requisite level of scrutiny. Furthermore, the instant Court again arguably applied a standard less stringent than the type of scrutiny upon which *Buckley's* foundation is built. "[T]he Court proceed[ed] to apply something less, much less, than strict scrutiny. Just how much less the majority never says." *Id.* at 922 (Thomas, J., dissenting). Even the instant Court admitted that "[p]recision about the relative rigor of the standard to review contribution limits was not a pretense of the *Buckley* per curiam opinion." *Id.* at 903.

required, and left state legislatures and lower courts in the same position of uncertainty as before its decision.

Besides failing to clear up the level of scrutiny articulated and applied by the *Buckley* Court, the instant Court also offered an unworkable standard for legislatures designing campaign finance reform and lower courts evaluating challenged regulations.[45] The instant Court stressed that state campaign contribution limits would be constitutional so long as they did not "impede the ability of candidates to 'amass the resources necessary for *effective advocacy*.'"[46] A standard based upon *effective advocacy* is ultimately unworkable, however, because so many factors besides actual contribution limits have an impact upon the ability of candidates to effectively advocate their political campaigns.[47] Local political climate, party politics, individual intelligence, personal appeal, luck, incumbency, and advances in communication technology all can affect the ability of any given candidate to effectively advocate their campaign message.[48] Accordingly, the instant Court placed a significant burden upon state legislatures and district courts to assess the relative weight of all the myriad factors which impact *effective advocacy* when constructing and construing campaign contribution limits.

Furthermore, the instant Court's *effective advocacy* standard departs markedly from the First Amendment doctrinal foundation of *Buckley*.[49] First, while the First Amendment freedom of association is usually construed as an individual right of each potential political candidate, the instant Court focused its analysis upon the effect of Missouri's statute upon the electoral system as a whole and candidates as a group.[50] Second, the instant Court's *effective advocacy* standard primarily concentrates upon the effect of the existing limits on political advocacy, without also critically examining whether the limits themselves were narrowly tailored

---

45. *See Nixon*, 120 S. Ct. at 909-10; *see also* Tao, *supra* note 40, at 1366.

46. *Nixon*, 120 S. Ct. at 909 (citing *Buckley*, 424 U.S. at 21) (emphasis added).

47. *See* Tao, *supra* note 40, at 1366. While it is clearly appropriate for the Court to avoid fine discriminations regarding specific dollar amounts more properly left to legislative bodies, its *effective advocacy* standard offers state legislatures and lower courts limited insight regarding the ultimate constitutional limits.

48. *Id.*

49. *See* Buckley, 424 U.S. at 22-34 (1976).

50. *See Nixon*, 120 S. Ct. at 921-22 (Thomas, J., dissenting).

> [T]he right to free [speech and political association] is a right held by each American, not by Americans *en masse*. The Court in *Buckley* provided no basis for suppressing the speech of an individual candidate simply because other candidates (or candidates in the aggregate) may succeed in reaching the voting public.

Id.

to the specific local harms claimed.[51] Instead of concentrating upon the narrowest limits which would prevent the actual corruption or its perception documented, the instant Court focused upon candidates' abilities as a group to amass the resources necessary to *effectively advocate* under the rule already in place.[52] This type of analysis distorts the traditional mechanics of strict scrutiny and again signals that the Court applied a more lenient standard than it articulated.

The instant Court also declined to re-examine the argument that bribery, anti-gratuity, and mandatory disclosure laws are less restrictive legislative alternatives which effectively preempt campaign contribution limitations.[53] The *Buckley* Court quietly dismissed bribery and disclosure laws as only partial solutions to the problem of electoral corruption,[54] and the instant Court found nothing which would alter the *Buckley* Court's analysis today.[55] Strict and comprehensive disclosure laws, however, would give citizens the necessary context to judge the motives and actions of individual candidates and politicians.[56] With the emergence of the internet, this information could be available almost instantaneously.[57] Accordingly, the instant Court's summary discounting of arguably less restrictive means again demonstrates that it applied some lesser form of scrutiny.

Just as campaign finance reform resurfaced at the forefront of national politics, the Supreme Court delivered its long awaited opinion regarding its constitutional boundaries.[58] The instant Court's anti-climatic reaffirmation of *Buckley*, however, failed to clarify *Buckley's* standard of review and failed to offer a workable standard for state legislatures and lower courts to employ when constructing and construing future campaign

---

51. *See id.* at 909.

52. *See id.* This observation offers another indication that the instant Court (and arguably the *Buckley* Court as well) applied a standard less stringent than the traditional strict scrutiny generally associated with the First Amendment freedom of political association.

53. *See id.*

54. *Buckley*, 424 U.S. at 27-28. "[L]aws making criminal the giving and taking of bribes deal with only the most blatant and specific attempts of those with money to influence governmental action." *Id.* Furthermore, the *Buckley* Court stated that Congress was entitled to conclude that contribution limits were necessary even alongside mandatory disclosure of contributors and amounts. *Id.*

55. *See Nixon*, 120 S. Ct. at 909.

56. *Id.* at 926 (Thomas, J., dissenting). Missouri already has strict disclosure requirements in place. MO. REV. STAT. §§ 130.041, .046, .057 (1999).

57. *Nixon*, 120 S. Ct. at 915 (Kennedy, J., dissenting). The availability of an almost instantaneous disclosure medium (the internet) is a substantial change since 1976 and militates in favor of a reevaluation of the effectiveness of mandatory disclosure regulations as less restrictive legislative means.

58. *See id.*

finance reform.[59] Additionally, the limits in the instant case are far more severe than those the Court encountered in *Buckley*.[60] Furthermore, it is hard to believe that contributions this small could truly foster corruption or even its perception.[61]

More liberal contribution limits combined with strict disclosure requirements and bribery laws may effectively combat corruption and its appearance without trampling traditional First Amendment freedoms of association. This type of less-restrictive alternative would more readily satisfy the heightened scrutiny articulated by the First Amendment doctrinal foundation of both *Buckley* and *Nixon*. More liberal limits combined with strict disclosure may even reduce reliance upon the so-called "soft money" which has infiltrated American politics in recent elections.[62] Considering the current fervor for campaign finance reform, there is little doubt that the Supreme Court will very shortly have another opportunity to reevaluate the vitality of *Buckley*. Perhaps next time it will offer further clarity in this emerging and important area of law.

---

59. While both the *Buckley* and *Nixon* Courts purported to apply something akin to strict scrutiny, both arguably applied a less stringent standard. The instant Court's hesitance to pin down a black letter standard of review is understandable, but the *effective advocacy* rubric articulated by the instant Court is divorced from the traditional mechanics of strict scrutiny and is practically unworkable. Furthermore, since the *Buckley's* decision has spawned inconsistent interpretations, the instant Court could have taken this opportunity to further clarify and positively advance the law of campaign finance reform. The Court predictably replied by invoking a familiar constitutional principle: "The answer is that we are supposed to decide this case. [The Respondents] did not request that *Buckley* be overruled; the furthest reach of their arguments about the law was that subsequent decisions already on the books had enhanced the State's burden of justification beyond what *Buckley* required." *Id.* at 909.

60. *See id.* at 924-25. Adjusted for inflation, Missouri's limit on individual contributions to candidates for state auditor is the equivalent of $251 in 1976. *See also* Shrink Mo. Gov't PAC v. Adams, 161 F.3d 519, 523, n.4 (8th Cir. 1998) (stating that based upon the Consumer Price index, a dollar buys about a third of what it did when *Buckley* was decided). Furthermore, Missouri's statute limits the contributions of political action committees to $1075 as compared with *Buckley's* $5000 limit in 1976.

61. This is another point the instant Court failed to adequately consider and is especially apt regarding statewide or national elections.

62. *See Nixon*, 120 S. Ct. at 914-16 (Kennedy, J., dissenting).