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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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NIXON, ATTORNEY GENERAL OF MISSOURI, ET AL. *v.* SHRINK MISSOURI GOVERNMENT PAC ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 98–963. Argued October 5, 1999– Decided January 24, 2000

Respondents Shrink Missouri Government PAC, a political action committee, and Zev David Fredman, a candidate for the 1998 Republican nomination for Missouri state auditor, filed suit, alleging that a Missouri statute imposing limits ranging from $275 to $1,075 on contributions to candidates for state office violated their First and Fourteenth Amendment rights. Shrink Missouri gave Fredman $1,025 in 1997, and $50 in 1998, and represented that, without the statutory limitation, it would contribute more. Fredman alleged he could campaign effectively only with more generous contributions than the statute allowed. On cross-motions for summary judgment, the District Court sustained the statute. Applying *Buckley* v. *Valeo*, 424 U. S. 1 *(per curiam)*, the court found adequate support for the law in the proposition that large contributions raise suspicions of influence peddling tending to undermine citizens' confidence in government integrity. The court rejected respondents' contention that inflation since *Buckley*'s approval of a federal $1,000 restriction meant that the state limit of $1,075 for a statewide office could not be constitutional today. In reversing, the Eighth Circuit found that *Buckley* had articulated and applied a strict scrutiny standard of review, and held that Missouri had to demonstrate that it had a compelling interest and that the contribution limits at issue were narrowly drawn to serve that interest. Treating Missouri's claim of a compelling interest in avoiding the corruption or the perception of corruption caused by candidates' acceptance of large campaign contributions as insufficient by itself to satisfy strict scrutiny, the court required demonstrable evidence that genuine problems resulted from contributions in amounts greater than the statutory limits. It ruled that the State's

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evidence was inadequate for this purpose.

Held: *Buckley* is authority for comparable state limits on contributions to state political candidates, and those limits need not be pegged to the precise dollar amounts approved in *Buckley*. Pp. 5–18.

(a) The *Buckley* Court held, *inter alia*, that a Federal Election Campaign Act provision placing a $1,000 annual ceiling on independent expenditures linked to specific candidates for federal office infringed speech and association guarantees of the First Amendment and the Equal Protection Clause of the Fourteenth, but upheld other provisions limiting contributions by individuals to any single candidate to $1,000 per election. P. 5.

(b) In addressing the speech claim, the *Buckley* Court explicitly rejected both intermediate scrutiny for communicative action, see *United States* v. *O'Brien*, 391 U. S. 367, and the similar standard applicable to merely time, place, and manner restrictions, see, *e.g.*, *Adderley* v. *Florida*, 385 U. S. 39, and instead referred generally to "the exacting scrutiny required by the First Amendment," 424 U. S., at 16. The Court then drew a line between expenditures and contributions, treating expenditure restrictions as direct restraints on speech, *id.*, at 19, but saying, in effect, that limiting contributions left communication significantly unimpaired, *id.*, at 20–21. The Court flagged a similar difference between the impacts of expenditure and contribution limits on association rights, *id.*, at 22; see also *id.*, at 28, and later made that distinction explicit, *e.g.*, *Federal Election Comm'n* v. *Massachusetts Citizens for Life, Inc.*, 479 U. S. 238, 259–260. Thus, under *Buckley*'s standard of scrutiny, a contribution limit involving significant interference with associational rights could survive if the Government demonstrated that regulating contributions was a means "closely drawn" to match a "sufficiently important interest," 424 U. S, at 25, though the dollar amount of the limit need not be "fine tun[ed]," *id.*, at 30. While *Buckley* did not attempt to parse distinctions between the speech and associational standards of scrutiny for contribution limits, the Court made clear that such restrictions bore more heavily on associational rights than on speech rights, and thus proceeded on the understanding that a contribution limitation surviving a claim of associational abridgement would survive a speech challenge as well. The Court found the prevention of corruption and the appearance of corruption to be a constitutionally sufficient justification for the contribution limits at issue. *Id.*, at 25–28. Pp. 5–10.

(c) In defending its statute, Missouri espouses those same interests of preventing corruption and the appearance of it. Even without *Buckley*, there would be no serious question about the legitimacy of these interests, which underlie bribery and antigratuity statutes.

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Rather, respondents take the State to task for failing to justify the invocation of those interests with empirical evidence of actually corrupt practices or of a perception among Missouri voters that unrestricted contributions must have been exerting a covertly corrosive influence. The state statute is not void, however, for want of evidence. The quantum of empirical evidence needed to satisfy heightened judicial scrutiny of legislative judgments will vary up or down with the novelty and plausibility of the justification raised. *Buckley* demonstrates that the dangers of large, corrupt contributions and the suspicion that large contributions are corrupt are neither novel nor implausible. See 424 U. S., at 27, and n. 28. Respondents are wrong in arguing that this Court has "supplemented" its *Buckley* holding with a new requirement that governments enacting contribution limits must demonstrate that the recited harms are real, not merely conjectural, a contention for which respondents rely principally on *Colorado Republican Federal Campaign Comm.* v. *Federal Election Comm'n*, 518 U. S. 604. This Court has never accepted mere conjecture as adequate to carry a First Amendment burden, and *Colorado Republican* deals not with a government's burden to justify contribution limits, but with limits on independent expenditures by political parties, which the principal opinion expressly distinguished from contribution limits. *Id.*, at 615–618. In any event, this case does not present a close call requiring further definition of whatever the State's evidentiary obligation may be. Although the record does not show that the Missouri Legislature relied on the evidence and findings accepted in *Buckley*, the evidence introduced by respondents or cited by the lower courts in this action and a prior case involving a related ballot initiative is enough to show that the substantiation of the congressional concerns reflected in *Buckley* has its counterpart in support of the Missouri law. Moreover, although majority votes do not, as such, defeat First Amendment protections, the statewide vote adopting the initiative attested to the public perception that contribution limits are necessary to combat corruption and the appearance thereof. A more extensive evidentiary documentation might be necessary if petitioners had made any showing of their own to cast doubt on the apparent implications of *Buckley*'s evidence and the record here. However, the nearest they come to challenging these conclusions is their invocation of academic studies that are contradicted by other studies. Pp. 10–15.

(d) There is no support for respondents' various arguments that the Missouri limitations are so different in kind from those sustained in *Buckley* as to raise essentially a new issue about the adequacy of the Missouri statute's tailoring to serve its purposes. Here, as in *Buckley*, *supra*, at 21, there is no indication that those limits have had any dramatic adverse effect on the funding of campaigns and po-

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litical associations, and thus there is no showing that the limitations prevented candidates from amassing the resources necessary for effective advocacy. Indeed, the District Court found that since the Missouri limits became effective, candidates for state office have been able to raise funds sufficient to run effective campaigns, and that candidates are still able to amass impressive campaign war chests. The plausibility of these conclusions is buttressed by petitioners' evidence that in the last election before the contributions became effective, 97.62 percent of all contributors to candidates for state auditor made contributions of $2,000 or less. Even assuming that the contribution limits affected respondent Fredman's ability to wage a competitive campaign, a showing of one affected individual does not point up a system of suppressed political advocacy that would be unconstitutional under *Buckley*. The District Court's conclusions and the supporting evidence also suffice to answer respondents' variant claim that the Missouri limits today differ in kind from *Buckley*'s owing to inflation since that case was decided. Respondents' assumption that *Buckley* set a minimum constitutional threshold for contribution limits, which in dollars adjusted for loss of purchasing power are now well above the lines drawn by Missouri, is a fundamental misunderstanding of that case. The Court there specifically rejected the contention that $1,000, or any other amount, was a constitutional minimum, and instead asked whether the contribution limitation was so low as to impede the ability of candidates to amass the resources necessary for effective advocacy. 424 U. S., at 21. Such being the test, the issue in subsequent cases cannot be truncated to a narrow question about the power of the dollar. Pp. 15–18.

161 F. 3d 519, reversed and remanded.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, O'CONNOR, GINSBURG, and BREYER, JJ., joined. STEVENS, J., filed a concurring opinion. BREYER, J., filed a concurring opinion, in which GINSBURG, J., joined. KENNEDY, J., filed a dissenting opinion. THOMAS, J., filed a dissenting opinion, in which SCALIA, J., joined.