

Election ruling: 'disaster for nation, dark day for the court'

Thomas C. Fox | Jan. 21, 2010

The following is a statement by Fred Wertheimer, president and CEO of Democracy 21, a nonprofit, nonpartisan organization "dedicated to making democracy work for all Americans." It's worth a read:

Today's Supreme Court decision in the Citizens United case is a disaster for the American people and a dark day for the Supreme Court.

The decision will unleash unprecedented amounts of corporate "influence-seeking" money on our elections and create unprecedented opportunities for corporate "influence-buying" corruption.

Today's decision is the most radical and destructive campaign finance decision in Supreme Court history. In order to reach the decision, five justices abandoned longstanding judicial principles, judicial precedents and judicial restraint.

With the Citizens United opinion, Chief Justice Roberts has abandoned the illusory public commitments he made to "judicial modesty" and "respect for precedent" to cast the deciding vote for a radical decision that profoundly undermines our democracy.

In a stark choice between the right of American citizens to a government free from "influence-buying" corruption and the economic and political interests of American corporations, five Supreme Court Justices today came down in favor of American corporations.

With a stroke of the pen, five Justices wiped out a century of American history devoted to preventing corporate corruption of our democracy.

The radical nature of today's decision can be seen in the fact that the Court is overruling cases decided in 1990, 2003 and 2007, without any changed circumstances to justify these abrupt reversals.

The only change that has occurred is a change in the makeup of the Court itself and that provides no justification for overturning past decisions.

The Supreme Court decision in Citizens United is wrong for the country, wrong for the constitution and wrong for our democracy. It will not stand the test of time or history.

The Supreme Court majority has acted recklessly to free up corporations to use their immense, aggregate corporate wealth to flood federal elections and buy government influence. The Fortune 100 companies alone had combined revenues of \$13 trillion and profits of \$605 billion during the last election cycle.

Under today's decision, insurance companies, banks, drug companies, energy companies and the like will be free to each spend \$5 million, \$10 million or more of corporate funds to elect or defeat a federal candidate - and thereby to buy influence over the candidate's positions on issues of economic importance to the companies.

Today's decision turns back the clock to the nineteenth century, eliminating a national policy to prevent the use of corporate wealth to corrupt government decisions - a policy that has been in existence for more than a century.

Members of Congress have passed and Presidents have signed numerous laws over the years to prevent "influence-buying" corruption of our government. These laws have consistently been upheld by the Supreme Court.

Today, five Justices issued a decision that will empower "influence-buying" corruption.

In the name of the Constitution, five Justices have substituted their pro-corporate policy views for the anti-corruption policy views of the representatives elected by citizens to establish our national policies under our constitutional system of government.

This decision will have a devastating impact on the ability of citizens to believe that their government is acting on their behalf, instead of advancing the interests of the nation's corporations at their expense.

In the coming weeks, Congress should explore all possible legislative options to address the dangerous corruption problems opened up by the Supreme Court today.

The Citizens United decision reinforces the need to dramatically increase the role of citizens in financing our elections with small "non-influence seeking" contributions.

This requires enacting legislation to repair the presidential public financing system and create a new system of congressional public financing, and to make small donors the key players in these systems by providing public funds to match small contributions. Democracy 21 strongly supports such legislation.

Ironically, the constitutionality of the corporate spending ban was never even raised by the plaintiffs in the lower court consideration of this case. Instead, the Justices, in essence, started the case themselves when, on their own, they ordered further briefing and argument on the constitutionality of the corporate spending ban.

Ignoring the longstanding judicial doctrine of constitutional avoidance, the Court majority has reached out to decide Citizens United on broad constitutional grounds rather than on the various narrower grounds that were available. If the Court had made its decision on any of these narrower grounds, it would not have disrupted more than a hundred years of national policy to prevent corporate "influence-buying" corruption.

A Washington Post Outlook piece by Bob Kaiser (September 9, 2009) quoted former Republican Senator Chuck Hagel on the enormous stakes involved in the Citizens United case:

Chuck Hagel, the Nebraska Republican who retired from the Senate last year after serving two terms, said in an interview that if restrictions on corporate money were lifted, "the lobbyists and operators . . . would run wild." Reversing the law would magnify corporate power in society and "be an astounding blow against good government, responsible government," Hagel said. "We would debase the system, so we would get to the point where we couldn't govern ourselves."

Justice Louis Brandeis, one of the nation's greatest Supreme Court Justices, once said "The most important political office is that of the private citizen." Today's Supreme Court decision rejects Justice Brandeis' view, raising corporations to new heights of importance and influence in our political system.

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