NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://www.ncronline.org)

Editorial: Court decision on political spending exceedingly harmful

NCR Editorial Staff | Jul. 5, 2012

In the 2010 U.S. Supreme Court decision *Citizens United* v. *Federal Election Commission*, a court majority of five (all Catholic men) concluded "that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption. That speakers may have influence over or access to elected officials does not mean that those officials are corrupt. And the appearance of influence or access will not cause the electorate to lose faith in this democracy."

How wrong they were. How wrong they continue to be.

Given the way tens of millions in corporate PAC money, much of it undisclosed, has been pouring into federal elections since *Citizens United*, few would argue with the conclusion that big money is corrupting our nation's political process.

If money were not effective, if it didn't sway voters through political attack ads, if it did not sow doubts, we would not be seeing so much of it being funneled to political ends. Money has always played a major role in our political system. But what we are witnessing today, in the wake of *Citizens United*, is unprecedented: billionaires pouring millions into individual campaigns, the wealthiest in our nation capable of threatening candidates and elected officials to do their bidding lest torrents of money be set loose against them -- or withheld from them.

The undeniable message: Serve us or else.

The *Citizens United* decision, in taking away all caps on election funding, is turning out to be a sweeping assault on democracy in America. So blatantly harmful has it already been that a reasonable person might have thought that, given a second chance, the judges would have modified their decision.

This turns out not to be the case.

The court decided not to listen to arguments in what could have been a review case. Instead, it summarily reversed a Montana Supreme Court decision to uphold that state's Corrupt Practices Act of 1912.

The judges, faced with century-old Montana law aimed at keeping corrupting corporate money out of state elections, reaffirmed their 2010 decision, effectively expanding it to cover state and local elections. Montana tried to defend itself against corrupting corporate money. Its efforts failed, thanks to the same court majority that decided *Citizens United*: Chief Justice John Roberts, Justices Anthony Kennedy, Antonin Scalia, Clarence Thomas and Samuel Alito.

In a dissenting opinion, Justice Stephen Breyer wrote, "Given the history and political landscape in Montana, that court concluded that the state had a compelling interest in limiting independent expenditures by corporations."

He continued, "Montana's experience, like considerable experience elsewhere since the Court's decision in *Citizens United*, casts grave doubt on the Court's supposition that independent expenditures do not corrupt or appear to do so."

Sen. Bernie Sanders, I-Vt., who has called for a constitutional amendment to overturn *Citizens United*, called the new ruling "a major blow to American democratic traditions."

He added: "Sadly, despite all of the evidence that Americans see every day, the Court continues to believe that its decision makes sense."

In his 2010 State of the Union Address -- a week after the *Citizens United* ruling --President Barack Obama said that the Supreme Court had "open[ed] the floodgates for special interests ... to spend without limit in our elections" with the warning that corporate influence would corrupt our political system. It has been reported that as the president spoke, Alito mouthed the words: "No, that's simply not true."

It turns out the president was right and Alito and his four fellow justices were wrong.

Until *Citizens United* is overturned or ruled invalid by a constitutional amendment, democracy in America, as it was to have worked -- of, by and for the people -- will be an increasingly distant dream. This is beyond sad. It is tragic.

Source URL (retrieved on *2016-05-30 10:04*): http://www.ncronline.org/news/politics/editorial-court-decision-political-spending-exceedingly-harmful