

# Fixing A Bad Supreme Court Decision

By [Joel S. Hirschhorn](#)

Global Research, January 27, 2010

27 January 2010

Region: [USA](#)

Theme: [Law and Justice](#)

Sensible, intelligent Americans are furious over the recent Supreme Court 5-to-4-decision referred to as *Citizens United v. Federal Election Commission* that struck down limits on corporate spending in presidential and congressional elections. Those of us who wail against the corporocracy with its corruption of government could hardly believe that this decision could in any way be justified. A major reaction has been a number of groups calling for a constitutional amendment to fix the problem.

It helps to know that three current constitutional amendments resulted because of Supreme Court decisions that needed remedial action: the Eleventh Amendment (shoring up states' legal immunity), the Sixteenth Amendment (authorizing a federal income tax), and the Twenty-sixth Amendment (assuring eighteen-year-olds the right to vote).

Among the current efforts MoveToAmend.org has already received nearly 50,000 signatories to support its plan, particularly: Firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.

Another active group is ReclaimDemocracy.org advocating: Corporations and other for-profit institutions are prohibited from attempting to influence the outcome of elections, legislation or government policy through the use of aggregate resources or by rewarding or repaying employees or directors to exert such influence.

Ultimate Civics, a project of Earth Island Institute, wants this: This amendment affirms that constitutional rights extend only to human persons. Corporations, partnerships, and other organization entities are not human persons and, therefore, are not entitled to constitutional protections.

Largely missing from all this attention to the need for a new constitutional amendment, however, is the recognition that Congress, already corrupted by corporate and other special interest money, is very unlikely – no, make that will surely never propose any such amendment. Nor will any congressional attempts at fixing the Supreme Court problem with legislation do what is needed. In fact, there has been an older movement to take all private money out of federal elections and go to total public financing, which would offer the benefit of opening up the US political system to competitive third party candidates. But this too has never received strong support.

What merits far more attention and support is the use of the alternative path to amending the US Constitution offered in Article V. However, the convention of state delegates option has never been used because Congress has stubbornly refused to obey this part of the Constitution, as if they have a right to pick and choose what to obey, despite the one and only requirement for an Article V convention being satisfied. Indeed, there have been some

750 applications for a convention from all 50 states, more than the two-thirds requirement. A major reason Congress has gotten away with this illegal behavior is that nearly all organized political interests on the left and right have opposed a convention. Why? Because they like their current ability to corrupt Congress through lobbying and other forms of spending and fear true reforms of our political and government system through amendments proposed by a convention, which still must be ratified by three-quarters of the states. Both ratification and the exact words in Article V prevent any wholesale rewriting of the entire Constitution.

If Americans want to fix the recent, awful Supreme Court decision, then they should rally behind the effort of the nonpartisan Friends of the Article V Convention at foavc.org. They only advocate for making Congress obey the Constitution and call the first convention, but not specific amendments.

All those campaigning for a new constitutional amendment to accomplish any type of reform to improve the US should recognize that voting in new members of Congress or a President has proven to be totally ineffective in achieving necessary reforms to make government work better. The two-party plutocracy is far too corrupted by business and other special interests. The Founders gave us the Article V convention option because they anticipated the failure of the federal government to honestly serve public interests. Now, more than ever, is the time to use what they gave us. Now is the time for Americans to stop being constitutional hypocrites, saying they love and honor the US Constitution but refusing to make Congress obey every part of it, especially Article V.

How about President Obama who used to teach constitutional law getting behind this, especially because he reacted to the recent Supreme Court decision this way: “a major victory for big oil, Wall Street banks, health insurance companies and the other powerful interests that marshal their power every day in Washington to drown out the voices of everyday Americans.” Wouldn’t it be logical for the president to demand that Congress obey the Constitution?

Finally, when corporations are given more freedoms as if they are persons the inevitable result is that citizens lose freedoms and liberties, something that conservatives and libertarians in particular should recognize.

*Joel S. Hirschhorn is a co-founder of Friends of the Article V Convention; contact him through [delusionaldemocracy.com](http://delusionaldemocracy.com)*

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