

US Elections: Supreme Court May Rule to Allow Unlimited Corporate Funding

"The American people are powerless to stop corporations from influencing state and federal elections

By [Global Research](#)

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The U.S. Supreme Court may rule on Tuesday, December 8th, or in the coming weeks, in the case of Citizens United v. FEC, that the American people are powerless to stop corporations from using corporate funds to influence state and federal elections. The restrictions on corporate expenditures in elections contained in the federal Bipartisan Campaign Reform Act (known as BCRA or "McCain-Feingold") would then be violations of the First Amendment protections of free speech. To make this ruling, the Supreme Court would have to overrule two previous cases, including a 2003 decision, McConnell v. FEC, and a 1990 decision, Austin v. Chamber of Commerce, where the Court ruled that a Michigan law limiting corporate expenditures in elections did not violate the First Amendment.

Such a ruling would dramatically expand the new "corporate rights" doctrine that has transformed the First Amendment in recent years, and expose an already-corrupted political process to a new flow of billions of dollars of corporate money. The new ruling would dramatically dilute the vote and the voice of every American who does not control a large corporate treasury. Corporate profits alone -- after taxes -- amounted to over \$1.1 trillion in 2006. (Statistical Abstract of the United States 2008, Table 767). The average House candidate in 2008 spent \$1.3 million, and the average Senate candidate spent \$3.1 million. (Center for Responsive Politics, Price of Admission, 2008).

The courts have used the fabrication of the First Amendment corporate rights doctrine to strike down a range of democratic enactments in recent years, from those concerning clean and fair elections; to environmental protection and energy; to tobacco, alcohol, pharmaceuticals, and health care; to consumer protection, lottery, and gambling; to race relations, and much more. A coalition of organizations plans to launch a campaign to undo this doctrine immediately following a ruling in Citizens United v. FEC.

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John Bonifaz is the Legal Director of Voter Action. Prior to joining Voter Action, Mr. Bonifaz worked for more than 12 years (as the executive director and then general counsel) with the National Voting Rights Institute (NVRI), an organization he founded in 1994. Mr. Bonifaz has been at the forefront of key voting rights battles in the country over the past 15 years: leading the fight in the federal courts in Ohio for a recount of the 2004 presidential vote in

that state; pioneering a series of court challenges that have helped to redefine the campaign finance question as a basic voting rights issue of our time; and prevailing in federal court in Pennsylvania on the eve of the 2008 election to ensure that Pennsylvania voters would receive emergency paper ballots when they faced long lines caused by voting machine breakdowns. Mr. Bonifaz is a 1992 cum laude graduate of Harvard Law School and a 1999 recipient of a MacArthur Foundation Fellowship.

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Jeff Clements formed Clements Law Office, LLC (<http://www.clementsllc.com>) in 2009 after returning to private practice from the Office of Massachusetts Attorney General Martha Coakley. Mr. Clements recently filed an amicus brief with the Supreme Court in Citizens United v. FEC on behalf of five public interest groups arguing that the First Amendment did not shield corporations from campaign finance laws. As Chief of the Public Protection & Advocacy Bureau in the Massachusetts Attorney General's Office, Mr. Clements led more than 100 attorneys and staff in law enforcement and litigation in the areas of civil rights, environmental protection, health care, insurance and financial services, antitrust and consumer protection. Mr. Clements also served as an Assistant Attorney General in the 1990s, working on the state's litigation against tobacco companies, financial fraud and privacy cases, and a wide range of antitrust and consumer protection investigations and litigation. In private practice, Mr. Clements has been a partner in the Boston law firms of Mintz Levin and Clements & Clements, LLP. Mr. Clements is a 1988 magna cum laude graduate of Cornell Law School.

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