

Citizens United: campaign cash buys freedom of speech

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By Marlene Lang

The American Buy-A-Law system expanded last week, as the U.S. Supreme Court righteously guarded your freedom to hear what corporations have to say about politics, equating the freedom to speak on politics with the freedom to spend on politics.

In a past column, I described what I call the "Buy-A-Law" system: Big, big companies band together and via the lobbyist, send lots of incentives to the guys who will pass laws that will affect their industry. These include laws about how new products are approved and marketed, laws about how things are labeled and shipped and shelved, laws about who can buy their products, sometimes even laws requiring citizens to buy their products. In order to insure that regulations favor their industries, the industries must ensure that the lawmakers who will favor them do, in fact, become lawmakers. This is accomplished through campaign financing, or the "Buy-A-Law system."

Prior to last week's Citizens United case ruling, there were at least some restraints on Buy-A-Law limits on "independent expenditures" in political campaigning. But limits no longer exist for corporations, whether nonprofits - like the nonprofit Citizen's United, which put out an anti-Hillary Clinton film during the last election campaign - or businesses, unions or any other corporate entity. All possess free speech rights in the 5-to-4 court decision.

Corporations are indeed made up of people, but it is a distortion to imagine them as persons with a singular political view and human or constitutional rights. Clearly, neither your political views, nor mine as a newspaper columnist, are as powerful as those of a corporate entity such as, for instance, Wal-Mart. If you speak out, a dozen people may hear it. If I speak out, a few hundred or maybe even a few thousand might be listening. Your views or mine may find a wider reach if we blog or otherwise disperse opinions electronically. But if Wal-Mart makes a pitch, it's a voice heard Earth-wide. It is not the voice of a natural person.

The dissenting justices said as much. Justice John Paul Stevens wrote, "Although (corporations) make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office." Something tells me they would if they could. Wal-Mart for president, anyone? Was Citizens United v. the Federal Election Commission a win for the First Amendment, or a dangerous corruption of the very free speech that undergirds our democratic process?

Justice Anthony M. Kennedy wrote the majority decision, asserting that to limit spending by corporations is to limit or "command where a person gets his or her information," and that to limit "what distrusted source he or she may not hear" amounts to government censorship and thought control. "This is unlawful," Kennedy wrote. "The First Amendment confirms the freedom to think for ourselves."

You, reader, are free to hear every corporate-spawned pitch on politics and think for yourself. The Roberts court asks us to be grown up, cerebral Americans whose keen minds can cut through the crap of corporate propaganda, discerning truth rigorously, no matter how deep and high the pile of campaign lies.

I discern a difference between the freedom to speak on politics and the freedom to spend on politics, while five U.S. Supreme Court justices interpreted the two as one and the same. I will humbly concede that, yes, I want access to all and any sources of information. I want to think for

myself and I am not afraid of flagrant liars and truth-twisters. But what happens when the biggest spenders - and maybe the biggest liars - get their woman or man in a place of power because a statistically predictable number of crap-detectors sat idle? Here's what: The newly elected person owes the big spender a really big favor, and the Buy-A-Law system thrives, because corporations have been granted all the free speech their campaign dollars can buy. But we can take comfort knowing that when our democratic republic dissolves into corruption, it will have been legal.

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