

# The Epoch Times

## Democratic Legislators and Groups Criticize Supreme Court

By [Mary Silver](#)

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Senate Democrats and left leaning advocacy groups are criticizing the Supreme Court for its decision to further weaken campaign expenditure rules. The *McCutcheon v. FEC* decision allows a single donor to give \$3.6 million to a political party and federal candidates over a two-year election cycle.

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) and Senate Rules Committee Chairman Chuck Schumer (D-N.Y.) plan to hold hearings about the ruling. Advocacy groups are soliciting donations to initiate a change.

“Supreme Court right-wingers poison majority-rule democracy,” trumpeted Leo Gerard of Campaign for America’s Future, in a blog post. Gerard and other critics of the ruling fear that the voices of wealthy donors will drown out those of ordinary people, resulting in a slanted political arena where the 1 percent will overwhelm the 99 percent.

Gerard hopes the majority will speak out before all political contribution limits are abandoned. He predicts that conservative, wealthy donors will attack Social Security and Medicare, programs that are important to what he describes as average people who have less than \$10,000 saved for retirement.

### First Amendment

In both the *Citizens United* decision and the recent *McCutcheon* ruling, the justices equated political donations with free speech.

Chief Justice John Roberts wrote that the only kind of corruption the courts should be concerned about is *quid pro quo*, in which money leads to a direct action—buying a favor or paying for an outcome. According to Roberts, buying access is irrelevant. He wrote in the *Citizens United* decision, “When [*Buckley v. Valeo*] identified a sufficiently important governmental interest in preventing corruption or the appearance of corruption, that interest was limited to *quid pro quo* corruption.”

## **Cato Institute**

The Cato Institute supports Justice Roberts's position and considers money to be inseparable from speech. According to a statement from the self-described nonpartisan organization: "The First Amendment broadly protects political speech and the use of resources (printing presses, the Internet, money) to facilitate that speech. Yet when someone wants to engage in the most obvious kind of political speech—supporting election campaigns—the government is allowed to restrict this important constitutional right."

Randy Barnett, a professor at the Georgetown University Law Center told The Hill that Democratic criticism of the high court was a strategy for "working the refs," as well as way to rally the party base before the midterm elections in November.

Sen. Tom Udall (D-N.M.) wants a constitutional amendment to disentangle money and politics.

He wrote, "Americans already believe the election system has been fundamentally corrupted by big money from corporate special interests. And today, the Court has confirmed their fears in its seriously misguided decision, which makes it legal for a few wealthy individuals to flood campaigns with cash, drowning out the voices of regular voters."

## **Corruption Definition Is Key**

Gregory Magarian, professor of law at Washington University in St. Louis, thinks the Supreme Court is on a path to end any campaign finance regulation. He said the key is not First Amendment rights, but defining corruption as *quid pro quo*. This conveniently sets up conditions for the next campaign finance case, according to Magarian.

"People are going to call this case a sequel to *Citizens United*. That's just the kind of relatively benign account Chief Justice Roberts wants. Don't be fooled. *Citizens United* is a pod; *McCutcheon* is the mothership. *Citizens United* killed one particular (certainly important) regulation of money in politics. *McCutcheon* effectively kills all regulation of money in politics," Magarian said in a statement.