



The Eagle-Tribune

Letter: Corporate influence on campaigns has a long, rich history

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To the editor:

Richard Briffault does an excellent job describing how a small number of ultra-wealthy donors and corporations control government policy through large campaign contributions and dark-money political action committees.

However, he fails to mention why such political spending is possible.

It is due to 140 years of U.S. Supreme Court decisions that have granted ever-increasing constitutional rights to corporations and money.

In the 1886 case *Santa Clara County v. Southern Pacific Railroad*, a court reporter who was also a railroad lawyer put words into the mouth of the chief justice asserting that the court's decision granted corporations constitutional rights under the 14th Amendment. Strangely, no one disputed that.

In 1970, a corporate lobbyist, Lewis Powell, wrote the handbook for how the rich and corporations could hijack government to serve their interests. Its main thrust was to stack the courts with corporate-friendly judges and establish think tanks to promote the corporate agenda (these include the Heritage Foundation, Cato Institute, Federalist Society among many others).

In 1972, President Richard Nixon appointed Powell to the Supreme Court, which in the 1976 *Buckley v. Valeo* decision declared money to be First Amendment free speech.

This allowed the creation of the 501(c)(4) dark money PACs.

The floodgates were then fully opened by the 2010 *Citizens United v. FEC* decision that granted corporations the First Amendment right to directly contribute to political campaigns without the need for human intermediaries. This led to the creation of super-PACs.

It was then compounded by *McCutcheon v. FEC* in 2014, which lifted limits in total political spending by individuals.

Other decisions gave corporations additional rights under the Fourth, Fifth, Sixth, and Seventh amendments, plus the Constitution's commerce clause.

The only sure way to even begin to fix this is to amend the U.S. Constitution to explicitly state that:

1. Artificial entities such as corporations do not have constitutional rights -- only natural born humans do.
2. Money does not constitute First Amendment free speech.
3. Federal, state and local governments are required to regulate and limit political spending.

This can be accomplished via the "We the People Amendment" (H.J. Res. 48). A companion state bill, the "We the People Act" (H. 3208, S. 2163) demands that Congress pass the amendment.

I urge readers to contact their legislators at both levels and insist that they support these bills.

It's past time to restore government of, by and for the people, instead of, as Mark Twain said, "the best government money can buy."