

## Gun bans, political cash on Supreme Court docket

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**(10-04) 21:02 PDT** -- With one new member but no

likely shift in its ideological balance, the Supreme Court begins its 2009-10 term today with a docket

filled with momentous issues, including whether local governments will be allowed to ban guns and whether corporations will be given far greater power to influence election campaigns.

One possible addition to the agenda is a challenge by San Francisco restaurant owners to the city's first-in-the-nation plan to provide health care for the uninsured, funded in part by employer fees. The justices may say today whether they will hear the restaurants' appeal of a lower-court ruling upholding the fees.

President Obama's first appointee, Justice Sonia Sotomayor, brings diversity as the court's first Latina, the second woman among the nine current justices, and the only one who has served as a trial judge. Her inner-city upbringing and a career that included work as a prosecutor and as an intellectual property lawyer also add variety to a bench largely populated by former academics and Justice Department attorneys.

### Sotomayor like souter

Based on her record in 17 years as a federal judge, most court analysts have cast Sotomayor as a moderate liberal similar to Justice David Souter, whom she succeeded.

She joins a court whose last term displayed a fragile, 5-4 conservative majority joined most of the time by Justice Anthony Kennedy, whose vote usually determines the outcome in close cases.

Since the arrival of President George W. Bush's two appointees, Chief Justice John Roberts in 2005 and Justice Samuel Alito in 2006, the court has moved incrementally and overturned few major precedents. That may change.

The central question of 2009-10 is, "Will this continue to be a court of relatively small steps?" said Professor Pamela Harris, executive director of the Supreme Court Institute at Georgetown Law School. There are signs, she said, that the conservatives are about to flex their muscles.

The first indication may have occurred in June, when the court was scheduled to rule on the narrow issue of whether a federal ban on corporate funding of campaign ads applied to a nonprofit organization's video attacking then-presidential candidate Hillary Rodham Clinton.

Instead, Roberts announced that the court would rehear the case in September and consider a much broader issue: whether the prohibition on corporate and labor union contributions to political campaigns violates freedom of speech.

Congress outlawed corporate contributions to federal campaigns in 1907 and extended the ban to unions in 1947. The court rejected a constitutional challenge to a similar state law in 1990 and upheld another law in 2003 prohibiting corporate and union donations of so-called soft money to political parties for organizing activities.

The court has also ruled, however, that campaign contributions are a form of free speech.

Justices' comments at a Sept. 9 hearing suggested that a new majority was prepared to invoke the First Amendment to sweep away some or all restrictions on corporate contributions in federal and state elections.

Such a ruling could let corporations dip into their multibillion-dollar treasuries for unlimited spending as independent committees supporting a candidate. Current law allows a corporation or union to arrange contributions of as much as \$5,000 to a political action committee supporting a federal candidate, but prohibits donations from general corporate or union funds.

Overturing the court's long-standing precedents would "unleash a potential flood of corporate expenditures on federal elections," said Doug Kendall, president of the liberal-leaning Constitutional Accountability Center.

Those fears are greatly exaggerated, said Roger Pilon, legal director of the libertarian Cato Institute.

Lifting the restrictions would simply "make it easier to run for office and contribute to campaigns," he said. Noting that more than half the states, including California, allow corporate contributions in state elections, he called campaigns in those states "no more nor less corrupt than in states with draconian restrictions."

### **Gun laws at stake**

The case on gun laws is a follow-up to the court's landmark ruling last year that declared an individual right to possess firearms for self-defense under the Constitution's Second Amendment.

While overturning a handgun ban in the federal enclave of Washington, D.C., the court did not decide whether the Second Amendment also applies to state and local gun laws, an issue it will address when it considers a similar ordinance in Chicago.

Language in last year's 5-4 ruling suggested that the court was prepared to apply the Second Amendment to the states, like most other provisions in the Bill of Rights. But the justices also signaled that they were willing to allow restrictions on weapons possession short of an outright ban. The court could decide the extent of the government's authority to regulate guns in this year's case.

### **Religious symbols**

Georgetown's Harris said another indication of the court's agenda could come in a California case to be argued this week over an 8-foot cross that has stood since 1934 as a war memorial in the Mojave National Preserve.

When the American Civil Liberties Union sued in 2001 on behalf of a former park employee, Congress transferred the 1-acre plot to the Veterans of Foreign Wars. The Ninth U.S. Circuit Court of Appeals in San Francisco ruled in 2007 that the cross was still an unconstitutional government endorsement of religion.

Harris said the high court could reverse that ruling on narrow grounds, because of the land's ownership, or decide that a private citizen who was offended by the cross had no right to sue, a decision that would immunize most religious displays from legal challenge.

Rulings in the cases are due by the end of June.

### Major cases

Major cases before the Supreme Court in the 2009-10 term, which begins today:

**Campaigns:** Whether federal and state laws that ban corporate and labor union contributions to political campaigns and political parties violate freedom of speech.

**Guns:** Whether the Second Amendment, which the court interpreted to guarantee an individual's right to own guns for self-defense, applies to state and local governments.

**Cross:** Whether an 8-foot cross in the Mojave National Preserve is an unconstitutional government endorsement of religion.

**Animals:** Whether a federal law making it a crime to possess images of cruelty to animals violates freedom of speech.

**Terrorism:** Whether federal laws that make it a crime to give "material support," including legal training and medical aid, to groups designated as terrorist organizations are unconstitutionally vague or overbroad.

**Juveniles:** Whether a state can sentence juveniles to life without the possibility of parole for crimes other than homicides, such as rape or robbery.

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