

Nation 5 Snap Judgments on the Big Campaign Finance Decision Coming Soon: New Commenting Experience

(Jan. 21) — The U.S. Supreme Court has drastically upended the nation's campaign finance laws, ruling 5-4 to allow corporations and labor unions to spend as much money as they want on political ads as a matter of free speech. Just as the justices were sharply divided on the decision, so to is the early reaction to the monumental ruling.

"We find no basis for the proposition that, in the context of political speech, the government may impose restrictions on certain disfavored speakers," Justice Anthony Kennedy wrote for the majority, which, besides him, was composed mainly of the court's more conservative-voting judges. "The court has recognized that First Amendment protection extends to corporations."

In the 90-page dissent, Justice John Paul Stevens made a different argument: "The court's ruling threatens to undermine the integrity of elected institutions across the nation."

Conservative nonprofit Citizens United launched the case in December 2007, with a complaint against the campaign finance restrictions that were prohibiting the group from airing an anti-Hilary Rodham Clinton TV documentary "on-demand" during the January 2008 democratic primaries. Citizens United President David N. Bossie released a triumphant statement minutes after the ruling:

"Today's U.S. Supreme Court decision allowing Citizens United to air its documentary films and advertisements is a tremendous victory, not only for Citizens United but for every American who desires to participate in the political process ..."

The commentary the decision set off is — predictably — breaking along ideological lines. Supporters of campaign finance limits are issuing grim predictions of a new era

of unparalleled corporate and special-interest influence over politics and, thus, policy making. Several libertarian and conservative voices, for their part, support the decision. But amid all the rhetoric, a few main points emerged.

1) This Changes Everything: NPR Washington reporter Ron Elving explained how revolutionary the court's ruling is:

"By bringing corporations (and by extension, labor unions) back into the electioneering fray, the court has restarted a spending war Congress had tried to restrain over the past generation — most recently with the Bipartisan Campaign Reform Act of 2002, best known for its co-sponsoring senators, John McCain (R-AZ) and Russell Feingold (D-WI)."

2) Individual Voters Lose ...: True/Slant blogger Chris Thomas predicted what election season would be like in the near future:

"With billions saturating the media markets, one of two things will happen. Candidates will find themselves drowned out or priced out amid a tide of third-party advertising. Either way, the capacity of individual citizens to (affect) the race through political donation winds up diluted by the massive influx of corporate cash."

At the social network site Gather, contributor Barb Carlson was livid.

"As if our politicians are not already controlled by corporate interests. To me, this opens the door to an increase in puppet politicians. When we look at the Senate floor, we should have little labels hung above each head. 'Brought to you by Capital One. Who's in YOUR pocket?' Or whatever fits."

3) ... Unless They Win: Writing for

the Cato Institute's blog, Cato@Liberty, Ilya Shapiro made the case that removing the campaign finance limits would serve the public good.

"Today's ruling may well lead to more corporate and union election spending, but none of this money will go directly to candidates — so there is no possible corruption or even 'appearance of corruption.' It will go instead to spreading information about candidates and issues. Such increases in spending should be welcome because studies have shown that more spending — more political communication — leads to better-informed voters.

In short, the ... decision has strengthened both the First Amendment and American democracy."

Reason's Matt Welch was similarly celebratory in his post "Citizens United, Free at Last," calling the ruling a "major victory for the First Amendment and political speech," and labeling the provisions it overturned "the worst campaign finance restrictions in federal law."

4) Either Way, It's Definitely Bad News for Democrats: At Politico, Ben Smith said simply: "It's likely to deal another serious blow to Democratic prospects in 2010."

5) And Probably Print Media, Too: Of course, the decision doesn't just affect voters and candidates. There's also the journalists to consider. At the blog JustOneMinute, Tom Maguire offered this prognostication:

"The print media will bleat, of course. They had quite a powerful position when they, alone among corporations, were free to publicly and loudly endorse

whomever they preferred. The broadcast media pick up a whole new group of potential buyers for ad space.”

The story is far from over, as President Barack Obama quickly vowed to work with “bipartisan Congressional leaders to develop a forceful response to this decision.”

Additional reaction roundups can be found at The Washington Post’s 44: Politics and Policy in Obama’s Washington blog and The Wall Street Journal’s Law Blog.

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