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Super Pacs and the Supreme Court

Liberty is the second inalienable right listed in the United States Declaration of independence, firmly wedged between life and the pursuit of happiness. Liberty is an ideal that, we, as a nation, strive towards unconditionally, but certainly take our time at achieving. Along this process our nation is forced as a collective body to define liberty by consolidating a colossal population's opinions into one legal code. This is no simple task, and over two hundred years into the life of the United States we are still moving forward. With each decision, our country's stances are solidified through Supreme Court decisions whether on abortion, gay marriage or even Super Pacs. There is a constant and embattled discussion taking place in our nation, shaping the legal code around the commonly held moral code. However, what happens when a liberty, such as the ability of Super Pacs to endlessly contribute to politicians and their campaigns, begin to dwarf the voices of the people upon which this democracy is built? The Judiciary Branch has asserted that Super Pacs legally are able to contribute limitlessly as an extension of free speech, yet one could argue that this ability grants corporations unprecedented sway over politics, edging out the very voice of the populace that democracy is based on.

There are many liberties that often work against each other. Free speech is often put to use by bigots, the right to bear arms inevitably leads to deaths and excessive money as free speech can work against the voice of the regular citizen. We cannot construct an easy answer for every issue, but instead we can realize that these are the trappings of a democracy, for better or

for worse. The bulk of these difficult decisions are legitimized by the Supreme Court, setting a precedent for the rest of the nation for years to come. The Judicial Branch acts as a final decision and can re-direct history in one fell swoop.

The Citizens United versus Federal Election Commission case in 2010 set the precedent for unlimited Super Pac spending by declaring that the nature of the First amendment renders the government unable to limit the spending of a nonprofit organization such as a Super Pac. At face value, the decision makes sense and actually seems incontrovertible. In reality, however, it allows private corporations to wield undue influence over the legislative body through special interest groups now funded legally by corporations. This Supreme Court ruling should serve the people but often laws are written poorly or intended for another time. This is the case with this ruling because the First Amendment does not specify between media and corporations. Free speech is now given to corporations, effectively treating them as people. While the legality of Citizens United versus Federal Election Commission is sturdy, the morality behind its implications is not. The decision made by the Supreme Court was a four to five vote, the closest possible given there are nine Supreme Court Justices. This is notable due to the close nature of the decision and how strongly the minority felt. The dissenting opinion was written by Justice Stevens and part of which was read in court, in it he declared, "A democracy cannot function effectively when its constituent members believe laws are being bought and sold." This statement clearly states that the unfettered "freedom of speech" by firms can amount to political manipulation, and the disenfranchisement of the people for which this democracy was built.

The root of the issue with Super Pacs is their sheer clout within the political sphere. A Super Pac cannot contribute directly to a political campaign, yet where there is a will, there is a way. These Super Pacs are able to use unlimited wealth to influence political decisions by

running ads that either support or attack politicians, often in coordination with others. Their vast wealth, now often provided by rich corporations, overshadows the ability of the public to match, even partially, their substantial contributions. Quite simply, it comes down to the power of the corporation versus the power of the individual. Unless the individual is a billionaire, the power of one is greatly diminished and the faith in the democratic system is unnecessarily damaged. This unintended outcome has considerable and long-lasting effects. The implications of this are that a Super Pac could easily threaten a politician with attack ads unless they relent or incentivize them to fall in line with their agenda in return for running positive ads for the politician's campaign. This ultimately has the same net effect as bribery or extortion, the difference being that it is tacitly condoned by "free speech". Tragically, the dramatic change in the balance of power has an exaggerated influence on our legislative process that undermines the faith of the people in its representation. Our country is based on a democracy and Abraham Lincoln's ideal that "Government of the people, by the people, for the people, shall not perish from the earth." This is now not the case.

Political corruption is not a new concept. In fact, this country's capitals were purposely selected not to be the business capitals as both a figurative and literal intention. The reversal of this decision will not end political corruption, but it could at least offer a chance to diminish it. In the majority's decision in *Citizens United versus Federal Election Committee*, the Supreme Court majority cited that the first amendment protects corporations right to contribute limitlessly to these Super Pacs. This ruling stems from the inability for speech to be limited based on the identity of the speaker. Simply stated, this ruling is meant to protect everyone's voices even if it is a corporation with limitless resources. In my opinion, it is unjustifiable that a corporation be considered human enough to have an identity. Even still, corporations like large Tobacco and

Oil companies and are frequently known to have special interests exactly opposite of the citizens in this nation, yet they were given greater influence and power through this ruling. Furthermore, the Supreme Court majority decided that they have no business in determining whether or not such large sums of money sway the voting public or not. This, in fact, is the unintended consequence that now needs to be dealt with in order to return the voices of democracy to its people.

Although legal in nature, Citizens United versus Federal Election Committee allows for an uncomfortable proximity between government and private interest that generally fosters corruption and public distrust. This decision will inform how our political system continues to develop, and represent the nation in the years to come, whether it be for the people or the corporations. Hopefully corruption will not win, but hope is not an effective strategy, we will need action.