

## THE SUPREME COURT RULING ON *CITIZENS UNITED* (CU): A WAKE-UP CALL?

*This article describes how the Supreme Court ruling on Citizens United was a wake-up call to look closely at how big money in politics is affecting government policy making.*

The 2010 *Citizens United* (CU) ruling eliminated limits on political campaign contributions and spending based on the grounds that money is free speech. It also reaffirmed that corporations have the same rights as human beings with regard to political campaign contributions<sup>1</sup>.

The ruling alarmed the country, as witnessed in the immediate release of this statement by Mary G. Wilson, President of the League of Women Voters of the United States, in January, 2010:

*“The Supreme Court has made a tragic mistake. Their decision announced today in Citizens United v. FEC is constitutionally irresponsible and will surely bring about an anti-democratic revolution in how we finance elections in this country. Today, basic pillars of American democracy have been undermined – that elections should not be corrupted by vast corporate wealth and that the voters should be at the center of our democratic system. Justice Stevens had it right when he said, in his dissent, ‘The Court’s ruling threatens to undermine the integrity of elected institutions across the Nation. The path it has taken to reach its outcome will, I fear, do damage to this institution. In creating a new constitutional right for corporations to spend unlimited amounts of their shareholder’s money to determine the outcome in candidate elections, the Court has unleashed into our elections tremendous sums of money from for-profit corporations that cannot possibly be matched in quantity by contributions from ordinary citizens. The only possible outcome of this is that big money and special interests will have an even tighter grip on our democracy. Congress and the President enacted campaign finance laws over a series of decades for a reason – to protect our democracy from the perverse influence of big money in our elections. In making this decision, the Court has ignored the best interests of the American public and our representative form of government.’”<sup>2</sup>*

Although Wilson stated that the CU ruling undermines basic pillars of American democracy, corrupts elections by corporate wealth, and ignores the best interests of the American public, the influence of big money on the political system was around long before the CU ruling<sup>3</sup>. Most people weren’t aware of how great an impact money had on government policy decisions. A study published by Gilen and Page quantified the impact of money in the policy decision-making. The study addressed questions such as “*Who governs? Who really rules? To what*

---

<sup>1</sup> Supreme Court of the United State, syllabus, *Citizens United v. Federal Election Commission* Jan. 21, 2010, <http://www.supremecourt.gov/opinions/09pdf/08-205.pdf>, viewed 02/10/16

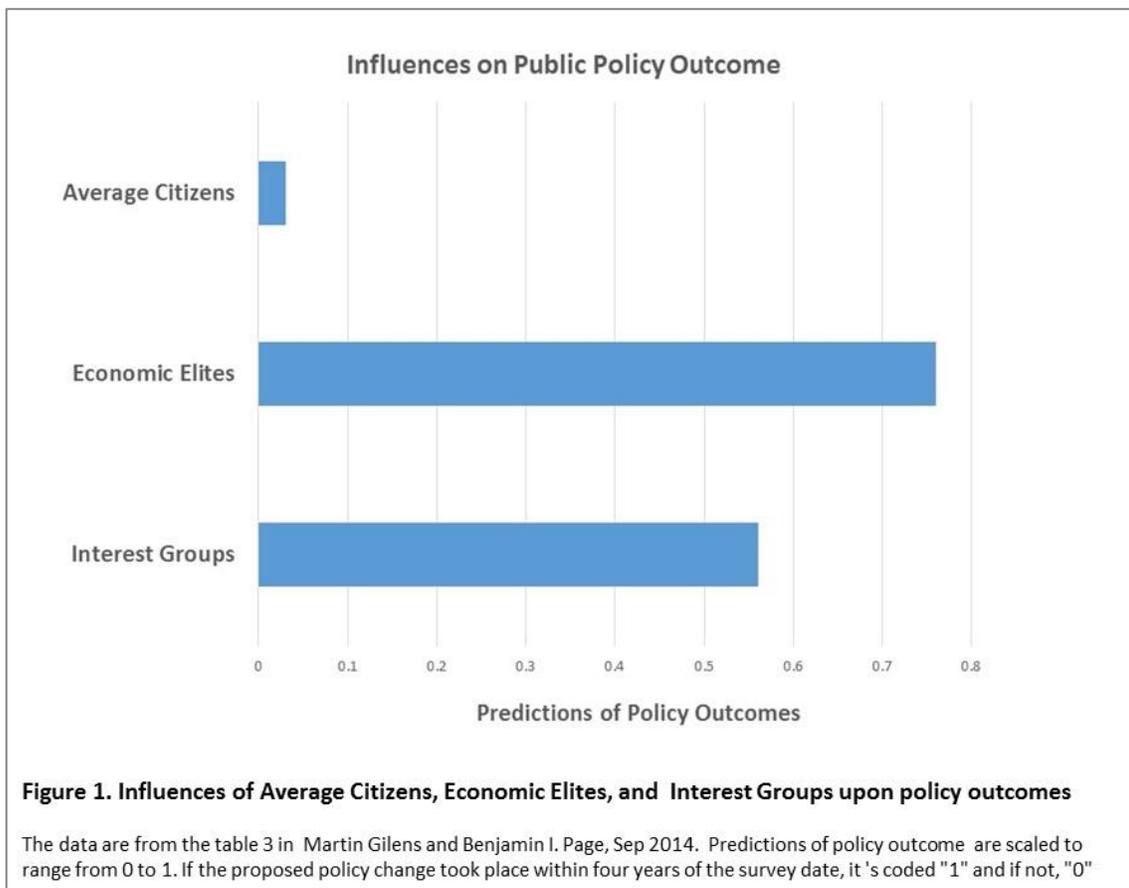
<sup>2</sup> “Supreme Court Ruling Undermines Basic Pillar of Democracy in U.S.”, *League of Women Voters*, January 21, 2010, <http://lwv.org/press-releases/supreme-court-ruling-undermines-basic-pillar-democracy-us-0>, viewed 04/16/16

<sup>3</sup> Martin Gilens and Benjamin I. Page, “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens”, *Perspectives on Politics*, Volume 12 / Issue 03 / September 2014, pp 564-581

*extent is the broad body of U.S. citizens sovereign, semi-sovereign, or largely powerless? These questions have animated much important work in the study of American politics”<sup>4</sup>.*

The influence of money on policy decision-making was measured by assessing interest-group influences over a comprehensive set of issues. Gilens and Page analyzed 1,791 policies from the years 1981 to 2002. They used national surveys of the general public and asked if the respondents favored or opposed proposed policy changes. The surveys also included income information about the survey responders. The unique feature of their study is that it included three types of potential influence groups: Economic Elites (EE), Interest Groups (IG) and Average Citizens (AC) as variables; and each group was tested against the other groups in the impact analysis. Economic Elites (EE) are in the ninetieth percentile and Average Citizens (AC) are in the fiftieth percentile in the income categories. Interest Groups (IG) are in the “Power 25” group that appeared over the years in *Fortune* magazine and the group that had the largest lobbying expenditures.

Figure 1 shows the influence of each group on the policy outcomes when all three independent variables AC, EE, and IG were included and tested against each other. The estimated impact of Average Citizens’ preferences was a non-significant, near-zero level (0.04) compared with EE



<sup>4</sup> Martin Gilens and Benjamin I. Page, “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens” *Perspectives on Politics*, Volume 12 / Issue 03 / September 2014, pp 564-581

and IG. From 1981 to 2002, the average citizen did not do well when compared to economic elites and organized interest groups.

The study conclusion was that the average citizens' preferences had no impact on policy decision-making in comparison to the elites and the interest groups. The CU ruling was a wake-up call to average citizens, alerting them about big money's impact on politics and its effect on representative democracy in the country. The recognition by average citizens that money is influencing politics is a positive step toward an informed electorate.