

## HOW FIVE JUSTICES HAVE IMPACTED THE LIVES OF COUNTLESS HARDWORKING AMERICANS

*A look at Citizens United v. Federal Election Commission (2010)*

### Roberts' Court Sides With Wall Street Over Main Street

**BACKGROUND:** In January, five Justices in *Citizens United v. Federal Election Commission* gave another victory to Wall Street at the expense of Main Street America. Without any basis in the plain text or history of the Constitution, five Justices overturned precedent to grant corporations the same power as any individual citizen to influence elections. The broad ruling set forth by those five Justices overturned precedent, as well as the legislative statute. Senators from both sides of the aisle criticized the Court's decision.

**THE COURT'S DISSENTING OPINION:** In a powerful dissent, Justice Stevens said, "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." Of the five-Justice majority's opinion, Justice Stevens noted, "The final principle of judicial process that the majority violates is the most transparent: *stare decisis*. I am not an absolutist when it comes to *stare decisis*, in the campaign finance area or in any other. No one is. But if this principle is to do any meaningful work in supporting the rule of law, it must at least demand a significant justification, beyond the preferences of five Justices, for overturning settled doctrine. '[A] decision to overrule should rest on some special reason over and above the belief that a prior case was wrongly decided.' *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U. S. 833, 864 (1992)."

**DEMOCRATIC REACTION:** "Without any basis in the plain text or history of the Constitution, five Justices overturned precedent to grant corporations the same power as any individual citizen to influence elections. For these five Justices to reach their broad ruling, they overturned precedent, as well as the statute." (Senator Patrick Leahy, Press Statement, January 21, 2010)

"[T]his decision was a terrible mistake. Presented with a relatively narrow legal issue, the Supreme Court chose to roll back laws that have limited the role of corporate money in federal elections since Teddy Roosevelt was president." (Senator Russ Feingold, Press Statement, January 21, 2010)

**REPUBLICAN REACTION:** "I am disappointed by the decision of the Supreme Court and the lifting of the limits on corporate and union contributions." (Senator John McCain, Press Statement, January 21, 2010)

"The effects of the [Citizens United] decision will be to undermine existing law, flood the airwaves with corporate and union advertisements, and undercut landmark reforms that I and many others fought to secure to put elections back in the hands of the American people. In short, today's decision was a serious disservice to our country." (Senator Olympia Snowe, Press Statement, January 21, 2010)

**OUTCOME:** Legislation is moving through Congress to overturn the Court's decision in *Citizens United*. The Democracy Is Strengthened by Casting Light On Spending in Elections (DISCLOSE) Act will help curtail corporate influence in elections by strengthening campaign finance laws to ensure that individual Americans – not corporate entities and other organizations – are still the primary players in the country's elections.