

## [American Plutocracy](#)

Paris, June 27, 2006 – In 1976, the U.S. Supreme Court issued what may one day be thought the ruling that destroyed American democracy.

The ruling was in a suit (*Buckley v. Valeo*) filed by (among others) the improbable combination of the conservative Senator James L. Buckley of New York and the liberal Eugene McCarthy, presidential candidate and former Senator from Minnesota.

The ruling had the unmasked and unexpected effect of protecting, ever since, what amounts to a means test to political office in the United States. If you don't have money (and today, lots of money, coming mainly – to both political parties -- from business and industry) you don't get elected.

While *Buckley v. Valeo* set some limits on campaign financing, its crucial determination was to identify the money spent by political candidates and their supporters on campaign advertising as constitutionally-protected free speech.

Saying that as “virtually every means of communicating ideas in today's mass society requires the expenditure of money,” the Court ruled that to restrict campaign money was to restrict political speech.

The Court failed to recognize that while money enables the dissemination of free speech, it is not free speech itself, whose dissemination could assured in other ways – for example, as a public service obligation of national and local broadcasters, as is the case in most other democracies. The nature of political contest in a democracy is to pit individuals against one another in tests of ideas, issues, merit and character. This assumes reasonably equivalent access to the electorate by the candidates.

In most advanced nations governments make sure of popular access to the electoral debate because they recognize that not to do so is to deliver elections over to commercial media and thus to competitive spending of money, and the corruption that tends to follow.

Nonetheless, last Monday [June 26] the Supreme Court ruled unconstitutional a Vermont law limiting campaign spending by candidates for governor to \$3,000 and that of candidates to become state representatives to \$2,000 (both figures indexed to inflation).

This was in response to a challenge to *Buckley v. Valeo*.

The new case was again a complex one. It also reaffirmed the 1976 ruling's authorization of some restrictions on campaign spending. But even this ran against the views of Justice Antonin Scalia and of Justice Clarence Thomas. They argue that any limit at all on campaign spending is unconstitutional.

Their defeat in this case revealed a deeply divided court and left the campaign finance issue in new and considerable confusion, since conservatives had hoped that the new Chief Justice, John Roberts, and Justice Samuel Alito would vote with Scalia and Thomas.

That would have made the ruling 5 to 4 and encouraged conservatives to believe that if George W. Bush had the opportunity to make one new appointment to the Court before his term is up, all limit on spending to elect national officials in the United States would be ruled unconstitutional. That would make the country well and truly a plutocracy, in which money rules in principle and law, as well as in practice.

The Democratic party and most other liberals in the United States aggressively attack conservative court nominees on their beliefs on abortion and other so-called “lifestyle” issues. If Karl Rove has his way, they soon will be fighting in favor of homosexual marriage and adoption (the latter a truly terrible

idea). In the meanwhile, liberals overlook the question of how long the United States will continue to enjoy representative government.

The United States in recent years has increasingly looked to law to deal with questions that are properly political. The issue of campaign finance is supremely political in nature, dealing with the character of American political society and the role of money in national life.

Money has always talked in the United States, usually louder than elsewhere (and so what?, Americans say). In modern times campaigning has moved naturally from buckboards and whistle-stops into the hands of the new advertising industry, and then into the mass broadcasting media, both of which appeared first in the U.S.

Nobody noticed, or at least objected, as national politics was itself slowly turned into an industry. Presidential election campaigning, with its enormous apparatus of money-raising, polling, advising, and campaign-creation and execution, is now one of the biggest businesses in the country. It even seems ready for mutually profitable merger with one (or all) of the media conglomerates, since entertainment and politics already are hard to disentangle.

All this curiously defies the religious origins of the country. Neither Calvinism – historically, the biggest influence on American Protestantism – nor Catholicism, now the biggest individual church in the U.S., is an acquisitive religion. Quite the contrary. Low-church Protestantism and American Catholicism were the religions of the American poor until the 1950s. Now the followers of both seem perfectly content to hand American politics and government over to the rich.

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