

[print](#) | [close](#)

Infusion of cash looms in fall vote

By Bill Lambrecht

POST-DISPATCH WASHINGTON BUREAU CHIEF

Friday, Jan. 22 2010

WASHINGTON — A Supreme Court ruling Thursday striking down limits on corporate political spending will be felt in election campaigns across the country this fall, especially in close Senate races like those predicted for Missouri and Illinois.

But experts caution that the effects are unpredictable given the likelihood that labor unions and other interests also will pump more cash into campaigns — with the potential of big donations backfiring.

There was agreement that the ruling could further jar a political system already upended this week by Republican Scott Brown's Senate victory in Massachusetts. His victory ended the Democrats' 60-vote Senate super majority.

Reactions to the Supreme Court ruling reflected the view that Republicans had scored a second significant win this week.

President Barack Obama issued a statement saying "the Supreme Court has given a green light to a new stampede of special interest money in our politics. It is a victory of big oil, Wall Street banks, health insurance companies and the other powerful interests."

Sen. Dick Durbin, D-Ill., said in an interview that the court "has unleashed a political force that we haven't seen in a century since Teddy Roosevelt said we cannot let these massive corporations dominate the political scene."

A spokeswoman for U.S. Rep. Roy Blunt, R-Springfield, said he is "pleased the Supreme Court recognizes that the First Amendment and freedom of speech cannot be legislated away, even when disguised as campaign finance reform."

But Missouri Secretary of State Robin Carnahan said in a statement she was "disgusted" with a ruling that "gave big corporations and power brokers a megaphone."

In the 5-4 ruling, the court swept away long-standing practice by declaring that limits on so-called independent expenditures by corporations violate First Amendment free-speech rights.

The ruling in *Citizens United v. Federal Election Commission* applies to federal elections, and means that corporations and unions can dip freely into their treasuries to support candidates as long as they don't coordinate with campaigns.

The decision reverses a 20-year-old Supreme Court ruling that upheld a federal ban on corporate political spending.

Writing for the majority, Justice Anthony M. Kennedy asserted that "if the First Amendment has any force, it prohibits Congress from fining or jailing citizens or associations of citizens for simply engaging in political speech."

In the dissent, Justice John Paul Stevens argued that the ruling "threatens to undermine the integrity of elected institutions around the nation."

WHAT TO EXPECT

There were differing opinions on the ruling's impact on the high-profile election campaign between Blunt and Carnahan for Missouri's Senate seat being vacated by Christopher "Kit" Bond.

Stu Rothenberg, a political analyst in Washington who publishes an authoritative newsletter, observed that big money late in a campaign threatens candidates' control over their messages.

"Let's assume that Robin Carnahan and Roy Blunt are running flat-out for 10 months, and suddenly a big corporation comes in with a lot of money. Is it going to blot out what candidates are saying? It has the potential of making politics messier," Rothenberg said.

Steven Smith, a political science professor at Washington University, said the ruling could initially help Carnahan because labor unions supporting her already are active in political organizing. Corporations, he said, may need to clear obstacles such as gaining clearance from boards of directors. And

businesses may be reluctant to give heavily to just one candidate out of fear of backing the wrong contender and losing access in Washington.

"From the candidate's point of view, obviously they are going to be confronting campaign ads in greater volume, earlier and deeper into their campaign from outside groups," Smith said.

But Robert Soutier, president of the Greater St. Louis Labor Council, said the ruling will favor deep-pocketed corporations because labor lacks the money for independent ad campaigns.

"They think they've thrown the unions a bone by doing this," Soutier said. "The corporations will outspend the unions 10-to-1."

Gregory Magarian, a law professor at Washington University and formerly a law clerk for Justice Stevens, said the ruling could accelerate efforts by Democrats to appeal to corporate interests.

"If you're Robin Carnahan and you want to avoid bringing corporate money down on your head, you might have meetings with big Missouri and national corporations and say, 'Look, I'm not here to antagonize you,'" he said. "You've basically defanged reformist elements."

In Illinois, Ron Michaelson, a former director of the Illinois Board of Elections, said people can expect to see more television ads and other communications from corporations and unions.

"One thing the decision did make clear was all these would have to be disclosed, so people would know where those messages are coming from," he said.

Though the ruling applies specifically to federal campaigns, it could be used in litigation to challenge state-level campaign laws.

Illinois reform advocates say the ruling probably couldn't be used to challenge the new limits on state-level campaign donations that take effect next year, because those limits apply only to donations of cash and services, not independent expenditures made on behalf of candidates.

But Kent Redfield, a political scientist at the University of Illinois at

Springfield and one of the proponents pushing the state to implement more limits, said the ruling could stymie future attempts by reformers to impose stronger restrictions in other areas. "It puts a ceiling on how far we could go in that direction."

Kevin McDermott, Kathleen Foody, Tony Messenger and Jake Wagman of the Post-Dispatch contributed to this report, which includes material from The Associated Press.

If you enjoy reading about interesting news, you might like the 3 O'Clock Stir from STLtoday.com. Sign up and you'll receive an email with unique stories of the day, every Monday-Friday, at no charge.
Sign up at <http://newsletters.stltoday.com>
