

## When Athens Fell

Athens is usually considered to be the birthplace of modern democracy. Athens fell when Senate seats could be purchased by the wealthy. Nescient Roman democracy fell long before Julius Caesar crossed the Rubicon to achieve his successful *coup d'état*. The fledgling Roman democracy fell when money, gifts and bribes ran the Senate rather than the will of the people.

Money has corrupted governments since the beginning of time. Solomon was warned not to accumulate too many horses, too many provinces, or too big a harem. Power may corrupt and absolute power may corrupt absolutely, but money is the enabler of corruption.

A well known federal judge once told me that money and politics was nothing more than legalized bribery. If that is true, the United States Supreme Court, in *Citizens United v. Federal Election Commission* struck down the last barrier to legalized bribery of government officials.

My first foray into lobbying was in Harrisburg. I met with a legislator who assured me that she was going to vote her conscience on a Bill concerning responsibility for asbestos poisoning. At the last minute, she came out of the House chambers and told a group of lobbyists that she had changed her mind and would vote the opposite way. I peered through the group of lobbyists to hear what her explanation was. She said: "They made an offer I could not refuse." I poked my head in and asked her what she was talking about since I was one of the people she had earlier assured concerning the integrity of her vote. She explained, quite frankly, that she had a \$5,000 campaign debt which consisted of printing costs. "The other side" took care of those costs and she had to vote the way they wanted. I naïvely inquired, "Isn't that bribery?" One of the other lobbyists and the legislator turned to me and snarled "The railroads have been doing business that way in Pennsylvania for a long time."

Are money and politics nothing more than an extension of the First Amendment right to free speech, or is a combination of the two a dangerous cocktail which threatens to intoxicate America to the point that our political system becomes totally dysfunctional? As my kids would say, this is a "no brainer." The First Amendment protects speech. The First Amendment does not protect a corporation from buying an election through advertising. The Founders of this country would be shocked by the notion that the use of money to influence elections was a First Amendment right.

George Washington did not even believe in political parties. Many of the other Founders decried even paying public officials to serve. When corporate America suddenly receives the right to claim that the First Amendment entitles them to give as much money as they want for any purpose, at any time, in order to support candidates who will enrich their interests further, we simply have gone off the deep end as a nation. Drunk with the power that money buys, corporate interests already have subverted our politics and a culture to the point where it may be unredeemable.

In even the smallest Pennsylvania House election, a minimum of \$200,000 will be spent in the next election. In the more urban areas, more than a half a million dollars per seat will be spent. The money will largely come from Political Action Committees, and now also from corporations seeking to utilize the legislature as their own personal money machine.

In the late 1800's and turn of the twentieth century, there was a progressive movement in this country which appears to be all but dead. The progressives were appalled at the bribery of public officials and the sinister destructive behavior of the railroads and oil interests. Antitrust laws were passed to create combinations and conspiracies which were anti-competitive. Campaign regulation and finance laws were passed to at least try to separate politicians from the almighty dollar. The efforts worked in some states, but were largely unsuccessful because the loopholes were large enough to pass a bank vault through.

The United States Supreme Court's 5-4 decision in *Citizens United* is not about liberal versus conservative, as the political pundits will write. The Supreme Court decision was about corporate control as opposed to maintaining some vestige of a republican electoral system where Senators and Representatives respond to the people rather than to their financial donors. Today, elections are not counted in votes but in dollars. It is possible for the underfunded campaigner to win, but it is certainly the exception rather than the rule and the candidate who is not well financed by big business will quickly become an endangered species.

There are those who say that the unions will have the same power as the corporations. As my mother would say, "two wrongs don't make a right." In the first place, unions barely exist in most major jurisdictions and their financial connections cannot even begin to match even small businesses that are successful. In the second place, union money is no cleaner than corporate funds. They both exercise a disastrous effect on what is already a fragile political system.

Most Americans are content to shrug their shoulders and argue about healthcare, taxes or the debt, but in the long run **the greatest danger to**

**America will come from who is controlling its elected Representatives.** Why do we have an immigration problem? Because big corporations want cheap labor. Why do we have a Wall Street meltdown, bursting economic bubbles and unemployment? It is because corporate America demanded and received deregulation and the right to run the financial markets like a gambling casino. Big business was rewarded for the financial disaster it has caused by bailouts and unconscionable bonuses.

This is not an argument for destroying the American dream of getting rich quick, nor is it a prescription for socialism. What Americans need to do is educate themselves, demand campaign finance reform, and take responsibility for running our Country rather than delegating it to the wealthiest and most powerful. Regardless of the political stripes of the Supreme Court justices who ignored precedent and made a distinctly political decision, Americans of both parties need to be outraged by the new direction the Country is likely to follow.

The most eloquent jurist, in obvious frustration, was the appointee of Republican President Gerald Ford, John Paul Stevens, who properly explained the corruption that corporate money flooding into the political marketplace will cause. Anyone who wants to serve in the public sector will now immediately realize that pleasing corporate interests and raising money will be the **only** vote which counts. If you were dissatisfied with the government before, wait until the next chapter.

The only good thing that can be said about the Supreme Court decision is that perhaps it will cause such an flagrant abuse of the political process that Americans will finally rise up in rage and take back their nation.

Clifford A. Rieders, Esquire  
Rieders, Travis, Humphrey, Harris,  
Waters & Waffenschmidt  
161 West Third Street  
Williamsport, PA 17701  
(570) 323-8711 (telephone)  
(570) 323-4192 (facsimile)

Cliff Rieders, who practices law in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a member of the Pennsylvania Patient Safety Authority. None of the opinions expressed necessarily represent the views of these organizations.