

## Constitutional Law Scholar Paul D. Carrington

[Cooley Law School, September 16, 2010](#)

[wolf-pac.com/carrington](http://wolf-pac.com/carrington)



I lend conditional support to a call by our state legislatures for a national convention to be conducted pursuant to Article V of the Constitution of the United States.... I believe that Congress could and would enact laws restoring its ability to represent the public good if, but only if, we amend the Constitution to overrule the Supreme Court's fantasy that corporate campaign expenditures are an exercise of free speech protected by the First Amendment....

Our governments have become seriously dysfunctional. A major cause is the corruption resulting from costly political campaigns funded by private sources seeking enactments and enforcements of laws beneficial to themselves. Eighty percent of American citizens perceive that Washington is broken. And few would perceive their state governments to be much better. The reality is that even the most honest representatives whom we elect to pursue the public good are forced by reality to negotiate their decisions with other officials whose elections were bought....

Congress has repeatedly addressed this problem with bipartisan support, most recently by the Bipartisan Campaign Reform Act of 2002 (McCain-Feingold) regulating campaign finance. State legislatures have also enacted many laws regulating the finance of campaigns. The problem became acute in the 1960s as political campaigns became dependent on the use and misuse of expensive media. But state and federal laws addressing the problem have all been thrown in the ditch by the United States Supreme Court....

The 2010 decision of the Supreme Court declaring the right of corporations to fund election campaigns was merely a break in the last straw of integrity in our political processes at both state and federal levels. Its rotten 2010 decision invalidating the bipartisan McCain-Feingold law has now been followed in 2011 by its ludicrous declaration that corporations are people entitled to the rights of citizens....

My qualified support for states calling for an Article V convention is, therefore, dependent on the accompaniment of their calls with a statement that the correction of campaign-finance law would be the aim and that the convention will be cancelled if the Constitution is meanwhile amended to correct the misdeeds of the Supreme Court in constitutionalizing the right of wealthy citizens and even, for heaven's sake, business firms to pay politicians' campaign expenses in exchange for preferential conduct of Government.

But we have to do what we have to do. The Supreme Court's decisions to treat campaign money as speech simply must be reversed if our broken government is ever to be repaired.