

AfD Victory Over Corporate Corruption of the Judicial System

by Jim Tarbell

A six-year battle by the Alliance for Democracy to end corporate corruption of the judicial system has come to a victorious end. In December, the Ohio Chamber of Commerce front group, Citizens for a Strong Ohio (CSO), dropped its appeal of an Ohio Elections Commission ruling that CSO had illegally campaigned against the election of Ohio Supreme Court Justice Alice Resnick. Known as the “conscience of working Ohioans,” she had been attacked by business interests for writing decisions for a bipartisan majority of the court in support of constitutional school funding and against restricting citizen rights to fully recover corporate torts.

In 2000, when Resnick last ran for re-election, the Chamber and its front group spent \$4.2 million to defeat her. Funding also came from a rash of corporate donors including Home Depot, Daimler Chrysler and the Insurance Giant AIG as part of the US Chamber’s separate expenditure of \$3 million.

Resnick won the election despite the ads and with the help of an AfD/Common Cause win at the Ohio Elections Commission against the Chamber, which was reported in every newspaper of the state on election day. Six years later the Alliance finally finished its case when the Chamber “decided it was time to put an end to it.” Lawyer in the case and past AfD Co-Chair Cliff Arnebeck told the press the long battle was worth it. “We had to fight to get the Chamber to adhere to the same law everybody has to adhere to. It’s important when large entities are held accountable.”

At least partially as a result of Arnebeck’s and the AfD’s efforts, the corruption of the judicial system by business contributions and independent corporate campaign support became a topic in national media. In its July 21, 2003 issue *Fortune* magazine featured a cover article on *The Secret War on Judges*. Then in the November/December 2003 issue of *Mother Jones*, Michael Scherer wrote an article called the *Making of the Corporate Judiciary: How Big Business is Quietly Funding a Judicial Revolution in the Nation’s Courts*. (www.motherjones.com/news/feature/11/ma_564_01.html).

In 2006, the *New York Times* took up the case of corporate contributions corrupting the judiciary. In *Tilting the Scales: The Ohio Experience: Campaign Cash Mirrors a High Court’s Ruling*, Adam Liptak and Janet Roberts highlight the case of Supreme Court Justice Terrence O’Donnell. He is the candidate that Resnick defeated in 2000. But he won a seat on the Ohio Supreme Court in 2002. In 2004 he was run-

ning for re-election and “accepted thousands of dollars from the political action committees of three companies that were defendants” in a case the Ohio Supreme Court had under consideration. A few weeks after he won re-election O’Donnell voted for a resolution of the case that “handed the companies significant victories.”

Paul Pfiefer, a Republican member of the Ohio Supreme Court says, “I never felt so much like a hooker down by the bus station...as I did in a judicial race...They mean to be buying a vote. Whether they succeed or not is hard to say.”

To find out if contributors have succeeded in corrupting the judicial system, the *New York Times* did an exhaustive investigation covering 12 years of Ohio Supreme Court decisions. They discovered that 70 percent of the time judges voted in favor of their contributors. Judge O’Donnell voted for his contributors 91% of the time.

The *Times* reports that “Now that business groups are outspending their adversaries, the court has become dominated by more conservative justices. And the court’s decisions are no longer markedly sympathetic to people claiming injuries.”

According to a *New York Times* story on December 12, 2006 called *Judges for Sale* by Dorothy Samuels, this latest trend started in 2000 when the US Chamber of Commerce put millions of dollars into campaigns in Ohio, Mississippi, Michigan and several other states. This started a contributions race that saw state supreme court candidates increasing spending by 61% over 1998. Then they discovered that “the \$24.4 million (state supreme court) candidates and interest groups spent on TV ads in 2004 more than doubled the previous record set in 2000.” In 2006 contributions continued to increase at this alarming rate.

In January 2007, Justice Resnick retired from the Ohio Supreme Court. When she left there was a 6-1 slant for business interests on the Ohio Supreme Court. The AfD may have won a battle, but the war to stop corporate corruption of our judicial system goes on.

On the other hand, with the sense of pervasive political corruption in Ohio, which the Chamber litigation had a part in creating, the Democratic Party won big in the November 2006 elections. They won the governor’s office, as well as the Secretary of State and Attorney General and made significant gains in the Ohio legislature despite Republican gerrymandering.



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