

Business Buyout

US Chamber of Commerce Rolls Over State Supreme Courts

by Jim Tarbell

The US Chamber of Commerce plays a central role in the corporate drive to control America's courts. Their campaign officially launched in 1988 with the establishment of their Institute for Legal Reform (ILR); although, many observers connect the beginning back to a 1971 memo written by Lewis Powell before he became a Supreme Court Justice. This memo encouraged the Chamber to instigate a broad pro-corporate counter offensive to the popular successes of the sixties. While most of the resulting Chamber efforts have been covert, the impact of their campaign became blatantly obvious in the new millennium.

AfD helped uncover their skullduggery in Ohio after a US Chamber front group called Citizens for a Strong Ohio mounted a \$4.2 million dollar attack to defeat Ohio Supreme Court Justice candidate Alice Robie Resnick in 2000. It took an AfD-led lawsuit to uncover the assault as a well-orchestrated, US Chamber of Commerce campaign. Then it took four more years of litigation to force the Chamber to reveal the 383 corporate donors to the campaign (see the sidebar below).

Ohio proved to be just the tip of the iceberg. It soon became evident that the Chamber was funding similar campaigns across the country to get business-friendly judges on State Supreme Courts. *Multinational Monitor* reported that US Chamber of Commerce President Donohue informed his board in 2004 that "the Chamber put 215 people on the ground in 31 states; sent 3.7 million pieces of mail and more than 30 million emails; made 5.6 million phone calls; and enlisted hundreds of associations and companies in our web-based 'VoteForBusiness.com' program to edu-

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cate and mobilize voters...Combining these activities with ILR's voter education efforts in 16 State Supreme Court and Attorney General contests, as well as our targeted campaign to make so-called tort reform a factor in the presidential race, the Chamber invested up to \$30 million in the November 2, 2004 elections."

Across the country, State Supreme Court campaigns more than doubled in cost in the last decade. The average campaign now costs more than \$1.5 million. One study found that in the 2005-06 election cycle pro-business interest groups contributed more than 44 percent of all contributions. On top of that, "pro-business groups were responsible for more than 90 percent of the special interest ads that year."

A law school study on the business of judicial elections found that "judges facing partisan elections are approximately 23 percentage points more likely to vote in favor of the business litigant in torts cases. Every dollar of direct contributions from pro-business groups is associated with increases in the probability that the judges will vote for business litigants... Additional analyses suggest that, in states with partisan elections, business groups influence both which judges are elected and how judges vote."

As a result of this corrupt, corporate campaign, three states have instituted publicly funded elections for State Supreme Court Justices. Retired US Supreme Court Justice Sandra Day O'Connor is heading up the Judicial Selection Initiative which advocates appointing State Supreme Court Justices on merit to ensure that state courts are presided over by qualified professionals, not what she calls "politicians in robes."

As AfD's lawsuit exposed, a broad variety of corporations are ready and willing to utilize the Chamber of Commerce as an avenue of funding to corrupt our judicial system. The Chamber's role of subverting courts as well as many other aspects of American life from climate change to health care reform proves again and again that what is good for corporate America is not good for the rest of the people. It presents a clear call to all of us to ensure that the power of money and wealth does not control our future.

Contributors to Chamber of Commerce Front Group in Ohio Supreme Court Race

The Ohio Chamber of Commerce \$200,000; the American Insurance Assn. \$185,000; AK Steel Corp. \$100,000; Proctor & Gamble \$100,000; Fifth Street Bank \$100,000; MNBA \$100,000; Honda of America Manufacturing \$100,000; State Farm Mutual Insurance Co. \$100,000; Nationwide Mutual Insurance Co. \$100,000; Anheuser-Busch \$25,000; AT&T \$30,000; Caterpillar \$7,500; Cooper Tire & Rubber \$50,000; Daimler Chrysler \$35,000; Deloitte & Touche \$13,000; Enron (now bankrupt) \$12,500; Exxon \$5,000; Ford Motor Co. \$35,000; Hoover Co. \$5,000; Huntington National Bank \$50,000; Kroger \$5,000; Marathon Oil \$20,000; MCI/Worldcom \$5,000; Metropolitan Life \$20,000; National City Corp. \$25,000; Philip Morris Mgt. Corp. \$40,000; Rockwell \$25,000; SBC Communications Inc. \$30,000; Sprint United Mgt. Co. \$20,000; Timken Co. \$50,000; Travelers Property Casualty \$50,000; Union Central Life \$25,000; Verizon Services Group \$15,000; and Whirlpool Corp. \$25,000.