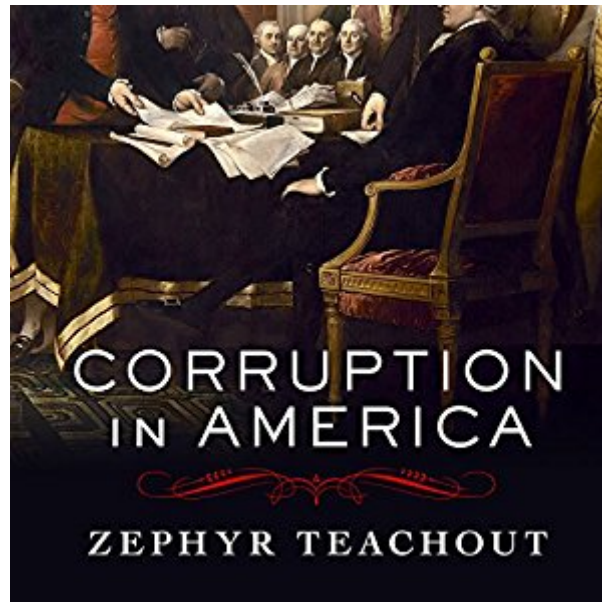


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# Corruption In America: From Benjamin Franklin's Snuff Box To Citizens United



## Synopsis

For two centuries, the Framers' ideas about political corruption flourished in the courts, even in the absence of clear rules governing voters, civil officers, and elected officials. In the 1970s, the U.S. Supreme Court began to narrow the definition of corruption, and the meaning has since changed dramatically. No case makes that clearer than *Citizens United*. In 2010, one of the most consequential Court decisions in American political history gave wealthy corporations the right to spend unlimited money to influence elections. Justice Anthony Kennedy's majority opinion treated corruption as nothing more than explicit bribery. With unlimited spending transforming American politics for the worse, *Citizens United* was not just bad law but bad history. Corruption in America clearly shows that if the American experiment in self-government is to have a future, then we must revive the traditional meaning of corruption and embrace an old ideal.

## Book Information

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## Customer Reviews

I knew Zephyr Teachout when she was Associate Professor of Law at Duke University several years ago, so when I saw this book, it caught my both eye and interest. What this book mostly focuses on is bribes and gifts, and sometimes they are one of the same. Throughout history, especially in Europe, giving gifts to ambassadors from other countries was traditional. It was expected in all royal courts, with the exception of Holland. Of course, something, perhaps a favor, was expected in return, even though it was not stated. This may have been corruption per se, but it was the ritual, for in 18th century Europe, being composed of monarchies rather than democracies,

bribery was the norm. Britain, for example, was both noble and corrupt, but they didn't care. This book is about corruption, starting from when the United States was first an independent country, from the Constitution Convention, up to the present time, and how we handled this vice throughout our history. King Louis XVI of France gave Ben Franklin a snuffbox, with a portrait of the king circled by 408 diamonds. John Jay, the first Chief Justice of the Supreme Court, received a horse from the King of Spain. Were these gifts, showing tokens of appreciation and goodwill, or a bribe, expecting something in return at a later date? Since both officials accepted these gifts, is it acceptable? What does that make them? If the gift is expensive enough, that king may expect a favor from the country the ambassador represents in return, and that ambassador may be expected to see it through. Such dealings are dangerous, and the founding fathers knew this. In the first part of the book, the history and controversy of this dilemma is given.

If you're among the four out of five Americans who decry Citizens United as a tragic misstep, law professor Zephyr Teachout will show you just how far outside the bounds of precedent and tradition the Supreme Court stepped when it produced this misbegotten ruling. "This new legal order," Ms. Teachout writes, "treats corruption lightly and in a limited way. It narrows the scope of what is considered corruption to explicit deals. It reclassifies influence-seeking as normal and desirable political behavior." Teachout attributes the Court's logic to a loss of confidence in democracy, though I might question whether the Right-Wing ideology that holds sway on today's Court has ever held any brief for democracy. "The Court has become populated by academics and appellate court justices, and not by people with experience of power and politics, who understand the ways in which real problems of money and influence manifest themselves." For two centuries, the prevailing view in American legislatures and courts was that factually demonstrable, quid pro quo bribery and extortion were unusual phenomena "that the potential for political and judicial corruption was far broader and rested on the cultivation of personal relationships that could grow on the strength of financial support. "By corruption, the early generations meant excessive private interests influencing the exercise of public power." Thus, until the 1970s, it was broadly taken for granted that large corporate contributions could distort the policymaking process. Then, in 1976, in Buckley v. Valeo, the Supreme Court overturned the campaign spending limits that were a centerpiece of the 1974 campaign finance reform legislation passed with broad bipartisan support in the wake of Watergate.

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