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The US supreme court just basically legalized bribery

The Guardian, June 27, 2024, by Moira Donegan

By sheer coincidence, this ruling concerns the sort of generous ‘gifts’ and ‘gratuities’ that justices have been known to accept

Did you know you could give your local government officials tips when they do things you like? Brett Kavanaugh thinks you can. In fact, if you’re rich enough, says the US supreme court, you can now pay off state and local officials for government acts that fit your policy preferences or advance your interests. You can give them lavish gifts, send them on vacations, or simply cut them checks. You can do all of this so long as the cash, gifts or other “gratuities” are provided after the service, and not before it – and so long as a plausible deniability of the meaning and intent of these “gratuities” is maintained.

That was the ruling authored by Kavanaugh in *Snyder v United States*, a 6-3 opinion issued on Wednesday, in which the supreme court dealt the latest blow to federal anti-corruption law. In the case, which was divided along ideological lines, the court held that “gratuities” – that is, post-facto gifts and payments – are not technically “bribes”, and therefore not illegal. [...]

The case concerns James Snyder, who in 2013 was serving as the mayor of small-town Portage, Indiana. Late that year, the city of Portage awarded a contract to Great Lakes Peterbilt, a trucking company, and bought five tow trucks from them; a few weeks later, Snyder asked for and accepted a check for \$13,000 from the company. Snyder was found guilty of corruption and sentenced to 21 months in federal prison. He argued that the kickback was not illegal because it came after he awarded a contract to the company that ultimately paid him off, not before.

Absurdly the US supreme court agreed, classifying such payments as mere tokens of appreciation and claiming they are not illegal when they are not the product of an explicit agreement meant to influence official acts in exchange for money.

In so doing, the court has narrowed the scope of anti-corruption law for state and local officials to apply to only those exchanges of money, goods and official favor in which an explicit quid pro quo arrangement can be proved. [...]

The court’s narrow vision of corruption – one in which only explicit, whispered deals in shadowy, smoke-filled back rooms count as “corruption”, and all other forms of influence and exchange are something other than the genuine article – also fundamentally misunderstands how influence-peddling works. In his controlling opinion, Kavanaugh emphasizes that in order to be an illegal bribe, a gift or payment must be accompanied by

“a corrupt state of mind” on behalf of the official or benefactor. But corruption, influence-peddling, and unfair and undue methods of persuasion are more subtle and complicated than this in practice.

For an example, we need look no further than the conservative justices of the supreme court itself, who have become notorious, in recent years, for accepting lavish gifts and chummy intimacy from rightwing billionaires. According to investigative reporting by ProPublica, Clarence Thomas has accepted vacations, real estate purchases, tuition for his young relatives, and seemingly innumerable private jet trips from the billionaire Harlan Crow, as well as financing for an RV from another wealthy patron, Anthony Welters. Thomas has argued that these gifts and favors are merely the “personal hospitality” of “close personal friends”.

ProPublica also reports that Samuel Alito, who flies insurrectionist flags outside his Virginia mansion and New Jersey beach house, has accepted the hospitality of the Republican mega-donor Paul Singer; the billionaire took Alito along on his private jet to a fishing resort in Alaska, where the justice stayed, played and reportedly drank \$1,000 wine on the billionaire’s dime. [...]

There is no reporting to indicate that the justices received this expansive and expensive generosity in direct compensation for their extremely conservative jurisprudence, even though the judges’ legal writings have furthered the billionaire’s material interests and social preferences. It seems reasonable, to me, to infer that the gifts, as frequent and valuable as they are, are not the product of explicit agreements to exchange things of value for specific official acts. [...]

But [...] connections like these are cultivated with both the intention and the effect of rewarding and encouraging conservative outcomes; an explicit quid pro quo comes to seem vulgar and unnecessary in their midst, in which social reinforcement and personal loyalty do the work that a more explicit bribe would otherwise accomplish.

Adding money – or, in the court’s parlance, “gratuities” – to these arrangements only makes this more obvious. It is not a coincidence that the court has chosen to legalize for state and local officials exactly the sort of corruption that they partake of so conspicuously themselves.

Comprehension question:

In your own words, explain the scandal that has shaken the June decision of the Supreme Court regarding bribery. (200 words, ± 10%)

Expression question:

One of you writes 220 words speech for and the other a 220 speech against that decision.