

A Better Deal Requires Fair Courts

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Late last month, the Democratic Party's Congressional leadership announced their "Better Deal" program. With the program's name harkening back to the Democratic Party's central role in America's economic success in the first three quarters of the twentieth century, the plan seeks to rebuild our once strong middle-class economy by focusing on increasing wages, reducing costs for working families, building economic infrastructure, and lessening the power of big money in politics. Like most Americans, I hope that the "Better Deal" has the same success as the Democratic Party's earlier economic bargains with American voters. Wilson's New Freedom, Roosevelt's New Deal, Truman's Fair Deal, Kennedy's New Frontier, and Johnson's Great Society strengthened our democracy by expanding our middle-class economy.

Our democracy—our insistence on self-government—is our great accomplishment as a people. But we cannot have a great democracy without strong small farms, strong small businesses, thriving workers and a thriving workers' movement, public education, and vibrant diverse communities. These bulwarks of the middle-class also are the essential ingredients of a democracy.

We also must keep in mind that the success of the Better Deal, like the success of all the Democratic Party's earlier bargains with voters, will depend on America's courts. The fair and impartial courts of the mid-twentieth century strengthened our democracy and middle-middle class economy by working with Congress and state legislatures to implement and enforce common-sense economic legislation that made our nation stronger for everyone. The judges of that era did not try to find drafting errors in Congress' great economic legislation and use those errors to undo the legislation. Those judges made the legislation work by interpreting it to further, not to thwart, Congress' purpose. And, our middle class expanded and prospered.

For the past forty years, however, right-wing judges have been chipping away at the laws that protected our democracy and our middle-class economy. Examples abound. John Kennedy's New Frontier passed the Equal Pay Act, but women still receive much less pay for the same work as men because courts weakened the protections of that great law. Earlier generations of Americans, like our current generation, sought to keep money out of politics, but the United States Supreme Court's decision in the Citizens United case made those efforts a dead letter. Here in Wisconsin, we passed the Wisconsin Fair Employment Act, forbidding employers from

firing workers because of their age, but the right-wing majority of our Supreme Court made that law a hollow promise for parochial school teachers.

“Deals” matter. They have lifted all of us—not just the top half of the top one percent. But, for “Deals” to work, we need fair courts without a right-wing agenda.

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