

DEMOCRACY IS FOR PEOPLE



A Public Citizen project

A Call for a Constitutional Amendment to Overturn *Citizens United* and *McCutcheon*

On January 21, 2010, the U.S. Supreme Court unleashed a flood of corporate money into our political system by ruling that, contrary to longstanding precedent, corporations have a First Amendment right to spend unlimited amounts of money to promote or defeat candidates. The decision in this historic case – *Citizens United v. Federal Election Commission* – overturned a century of campaign finance law and has dealt a devastating blow to our democracy. The Supreme Court’s 2014 *McCutcheon v. FEC* ruling raised the limit on total personal giving to federal candidates and parties nearly fifty-fold.

Americans Are Outraged by the Court’s Decision

- Nearly nine in ten Americans (88%) say that big companies have too much power in Washington D.C.ⁱ
- Eight in 10 respondents oppose the court’s decision in *Citizens United*.ⁱⁱ
- Republicans, Democrats and Independents who have heard about *Citizens United* believe by an almost 4-to-1 margin that the ruling is having a negative effect.ⁱⁱⁱ
- 83% of Americans (85% of Democrats, 81% of Republicans and 78% of Independents) think there should be limits on how much money corporations can give in elections. 90% of those with incomes over \$100,000 support such limits.^{iv}
- By a 5-1 margin, Americans agree that “there would be less corruption if there were limits on how much could be given to super PACs.” Only 14% disagree with this proposition. 75% of Republicans and 78% of Democrats agree.^v
- 66% of small business owners view the *Citizens United* ruling as bad for the ability of small businesses to compete. Only 9% say it is good for small business.^{vi}

Since the Court’s Decision, Election Expenditures Have Soared

- Spending by outside groups rose 243% in 2012 over the previous presidential election cycle.^{vii}
- Super PACs, which became funnels for outside spending after an appeals court applied *Citizens United*, collectively spent more than \$609 million during the 2012 election cycle. Overall outside spending topped \$1.29 billion.^{viii}
- In the 2012 election, the largest super PAC spent an astounding \$142 million.^{ix}
- The 2012 election was the most expensive in history, costing more than \$7 billion.^x
- There has been three times more secret spending in the 2014 elections 6 months out from election day than there was in the 2012 presidential election cycle.^{xi}



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Why a Constitutional Amendment

- A constitutional amendment is the long-term solution to fully reverse the court's ruling, restore our rights and assert that democracy is for people, not corporations.
- A corporation is not a person. It does not vote and should not have such tremendous influence over elections; nor should the ultra-wealthy.
- Our elected officials cannot support the well-being of society when they fear that millions of dollars of corporate money will go to defeating them in the next election if they defy corporate interests.
- A constitutional amendment ultimately is the only way to overcome the profound challenges to our democracy posed by the *Citizens United* and *McCutcheon* decisions.

Support is Growing Quickly for an Amendment

- So far, **more than 2 million people** have signed petitions in support of an amendment. At least **160 members of Congress** have declared their support.
- More than 120 national organizations – groups concerned about civil rights, the environment, climate change, open government and workers' rights – have endorsed the call for a constitutional amendment (www.United4ThePeople.org).
- Sixteen states – California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Montana, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, West Virginia – and the District of Columbia have called for an amendment.
- More than 550 local municipalities have called for a constitutional amendment to overturn *Citizens United* and rein in corporate influence.

ⁱ Harris Interactive (1 Jun 2011) "Big Companies, PACs, Banks, Financial Institutions and Lobbyists Seen by Strong Majorities as Having Too Much Power and Influence in DC." Retrieved 1 April 2013 from:

<http://www.harrisinteractive.com/NewsRoom/HarrisPolls/tabid/447/mid/1508/articleId/790/ctl/ReadCustom%20Default/Default.aspx>.

ⁱⁱ Eggen, D. (17 Feb 2010, 15 Sept 2011). "Poll: Large majority opposes Supreme Court's decision on campaign financing." *Washington Post*. Retrieved 15 Sept, 2011, from <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/17/AR2010021701151.html>.

ⁱⁱⁱ Pew Research Center (17 Jan 2012). "Super PACs Having Negative Impact, Say Voters Aware of 'Citizens United' Ruling." Retrieved 18 Jan 2012 from: <http://www.people-press.org/2012/01/17/super-pacs-having-negative-impact-say-voters-aware-of-citizens-united-ruling/>.

^{iv} Associated Press. (Aug 2012). "The AP-National Constitution Center Poll." http://ap-gfkpoll.com/main/wp-content/uploads/2012/09/AP-NCC-Poll-August-GfK-2012-Topline-FINAL_1st-release.pdf.

^v Brennan Center for Justice (24 April 2012). "National Survey: Super PACs, Corruption, and Democracy." Retrieved 19 June 2012 from http://www.brennancenter.org/content/resource/national_survey_super_pacs_corruption_and_democracy.

^{vi} American Sustainable Business Council (17 Jan 2012). "Poll Results: Money and Politics" Retrieved 18 January 2012 from http://www.asbcouncil.org/poll_money_in_politics.html.

^{vii} Center for Responsive Politics, "Total Outside Spending by Election Cycle, Excluding Party Committees | OpenSecrets." Retrieved 22 April 2013 from: http://www.opensecrets.org/outsidespending/cycle_tots.php

^{viii} Center for Responsive Politics. "Outside Spending." Retrieved 22 April 2013 from: <http://www.opensecrets.org/outsidespending/index.php>.

^{ix} Center for Responsive Politics, "Restore Our Future" Retrieved 22 April 2013 from: <http://www.opensecrets.org/outsidespending/detail.php?cmte=C00490045&cycle=2012>

^x Harper, J. (31 Jan 2013) "Total Election Spending: \$7 Billion" *Sunlight Foundation* Retrieved March 1, 2013 from <http://reporting.sunlightfoundation.com/2013/total-2012-election-spending-7-billion/>

^{xi} Open Secrets (30 Apr. 2014) "Dark Money Spending Three Times More Than at Same Time in 2012 Cycle, CRP Testifies."

<http://www.opensecrets.org/news/2014/04/dark-money-spending-three-times-more-than-at-same-time-in-2012-cycle-crp-testifies.html>



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