

# DEMOCRACY IS FOR PEOPLE



A Public Citizen project

## A Constitutional Amendment to Keep Corporate Cash Out of Elections: Good for the Environment, Good for Democracy

When protecting the environment clashes with making profits, corporations too often seek to roll back environmental safeguards, thwart enforcement of our bedrock environmental laws, or block popular new environmental protections. Thanks to the Supreme Court's *Citizens United v. Federal Election Commission* ruling, polluters now have what amounts to a blank check to spend unlimited amounts from their coffers in our elections to accomplish these same goals.

### THE FACTS: Corporate Polluters' Money in Politics Has Long Threatened Environmental Protections

- **Undermining Common Sense Environmental Safeguards:** The Strategic Energy Production Act, a bill undermining the government's ability to set air quality standards at levels necessary for protecting public health, passed the House of Representatives in June, 2012. Those voting for it received almost five times more campaign funding from oil, gas and coal industries since 1999 than those voting against.<sup>1</sup>
- **Keystone Pipeline:** The ten original co-sponsors of the pro-Keystone XL Pipeline Amendment (Hoeven Amendment 494) received an average of \$807,517 from the fossil fuel industry, 254% more than average senator received.<sup>2</sup>
- **Handouts to Fossil Fuel Giants:** Members of the 112<sup>th</sup> Congress accepted over \$25 million in campaign contributions from the oil, coal, and gas industries. In March 2011, an attempt by Rep. Keating (D-MA) to remove massive subsidies and tax breaks for the oil and gas industry was defeated. Congresspeople who voted against the measure received on average 2.7 times more contributions from the energy sector in the 2010 election cycle than those in favor.<sup>3</sup>
- **Blocking Action on Global Warming:** In an April 7, 2011 vote on a bill to prevent the EPA from regulating greenhouse gases, those lawmakers voting in favor received over five times as much money from the energy sector than those opposed. The bill passed the House 236-172.<sup>4</sup>
- **Purchasing environmental dissidence:** The 112<sup>th</sup> Congress was bestowed with "the worst environmental record ever". Unsurprisingly, they received more donations from the gas and coal sectors than any previous Congress.<sup>5</sup>

### THE THREAT: *Citizens United* Increases Corporate Influence by Removing Expenditure Limits

- **Chemical and Mining Industries are Funding super PACs:** In the 2012 election cycle, Karl Rove's American Crossroads super PAC received almost 20% of its disclosed funding from the chemical and mining industries, including executives tied to these sectors.<sup>6</sup>
- **Dirty Industries Are Responsible for Millions in Outside Spending.** Mining, oil, gas, chemical and related manufacturing industry executives, corporations and their employees contributed \$57 million to super PACs during the 2012 election cycle.<sup>7</sup>
- **Fracking:** A recent study by Common Cause found that natural gas interests spent more than \$747 million during a 10-year campaign – stunningly successful so far – to avoid government regulation of hydraulic fracturing, or "fracking." Over the past decade, the fracking industry spent \$726 million on lobbying and gave \$20 million to current members of Congress. In the aftermath of *Citizens United*, the largest corporations are now able to spend unlimited funds on electioneering, often in secret, on top of their prior efforts.<sup>8</sup>



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- **Perpetuating Environmental Injustice:** Low-income communities and communities of color in the U.S. and around the world already struggle to make their voices heard on critical environmental issues, due to the social and economic inequalities they face.<sup>9</sup> This new flood of corporate money will further drown out the voices of those who can't afford to make big political contributions, making it even harder to gain the attention of policymakers ever more reliant on big money donations.<sup>10 11</sup>

## Since *Citizens United*, Corporate Expenditures and Outside Spending Have Soared

- Spending by outside groups rose 243% in 2012 over the previous presidential election cycle.<sup>12</sup>
- 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.<sup>13</sup>
- In the 2012 elections, 100 people and their spouses contributed 41% of all super PAC funding.<sup>14</sup>
- Overall spending in the 2012 election reached new heights - \$7 billion in total - making it the most expensive election in American history.<sup>15</sup>
- In 2012, secret donations, otherwise known as “dark money”, increased by 367% from the previous presidential election cycle.<sup>16 17</sup>
- **Support is growing quickly for an amendment:** On the Election Day of 2012, citizens of Montana and Colorado voted on a ballot measure urging state officials to support a constitutional amendment repealing the *Citizens United* decision. Voters approved each initiative with approximately 75% support.
- So far, **more than 2 million people** have signed petitions in support of an amendment. And more than 135 members of Congress have expressed support for an amendment.
- More than 120 national organizations – groups concerned about civil rights, the environment, climate change, open government and workers’ rights – have endorsed the United for the People collaborative’s unified Call to Action for a constitutional amendment ([www.United4ThePeople.org](http://www.United4ThePeople.org)).
- Almost 500 municipalities have called for a constitutional amendment to overturn *Citizens United* and rein in corporate influence.
- Sixteen states: California, Colorado, Connecticut, Delaware Hawaii, Illinois, Maryland, Massachusetts, Montana, New Jersey, Maine, New Mexico, Oregon, Rhode Island, West Virginia, Vermont and the District of Columbia have called for an amendment.

## It’s Time for a Constitutional Amendment

- We must pursue a constitutional amendment as a crucial part of the long-term solution to the problem of money and corporate power in our democracy. This Amendment must fully reverse *Citizens United* and related cases and assert once and for all that democracy is for people, not corporations. Corporations are not people. They do not vote, and they should not be able to influence election outcomes.
- A constitutional amendment is ultimately the only way to overcome the profound challenges to our democracy posed by the *Citizens United* decision. Public Citizen is calling on Congress to propose a constitutional amendment to the states clarifying that the Constitution does not give corporations the same protection as citizens.

**Passing a constitutional amendment is our best hope for ensuring that corporations do not use their pocketbooks to do irreparable damage to the environment.**



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Join our campaign to reclaim our democracy! Visit [www.DemocracyIsForPeople.org](http://www.DemocracyIsForPeople.org) or email us at [amendment@citizen.org](mailto:amendment@citizen.org)

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<sup>1</sup> Showalter, K. (2012). "Dirty Energy Money Buys Yet Another House Vote: H.R. 4480" Oil Change International. Retrieved 25 March, 2013 from (<http://priceofoil.org/2012/06/21/dirty-energy-money-buys-yet-another-house-vote-h-r-4480/>)

<sup>2</sup> Tumbullm, D. (2012) "Statement on Hoeven Pro-Keystone XL Amendment" Oil Change International. Retrieved 25 March, 2012 from: <http://priceofoil.org/2013/03/22/statement-on-hoeven-pro-keystone-xl-amendment/>

<sup>3</sup> Oil Change International (2011, April). "Key Findings: U.S. Congress: Awash with Dirty Energy Money." Pp. 4. Retrieved 3 February 2012, from <http://priceofoil.org/wp-content/uploads/2011/04/DEM-Key-Findings-4-15-11.pdf>.

<sup>4</sup> Oil Change International, *Ibid*.

<sup>5</sup> <http://appvoices.org/2012/04/18/the-dirtiest-congress-money-could-buy/>.

<sup>6</sup> Center for Responsive Politics. Retrieved 2, February 2013 from <http://www.opensecrets.org/outsidespending/indus.php?cmte=C00487363&cycle=2012>

<sup>7</sup> Center for Responsive Politics. Retrieved 28, February 2013 from <http://www.opensecrets.org/outsidespending/summ.php?disp=>.

<sup>8</sup> Browning, James and Pat Clifford. (10 Nov 2011). *Deep Drilling, Deep Pockets, In Congress & Ohio*. Retrieved 14 Nov 2011, from <http://bit.ly/O0UtRG>

<sup>9</sup> Been, V. (Fall 1995) *Analyzing Evidence of Environmental Justice*. Journal of Land Use and Environmental Law. Vol. 11. Pp. 21. Retrieved 16 Aug 2012 from: <http://www.law.fsu.edu/Journals/landuse/Vol111/been.pdf>.

<sup>10</sup> New York Times Editorial. (25 March 2012) "When Other Voices Are Drowned Out." Retrieved 16 Aug 2012:

<http://www.nytimes.com/2012/03/26/opinion/when-other-voices-are-drowned-out.html>.

<sup>11</sup> Alexander, M. (2011). "Beyond Citizens United: Citizens United and Equality Forgotten." *New York University Review of Law & Social Change*. 35 N.Y.U. Rev. L. & Soc. Change 497.

<sup>12</sup> Center for Responsive Politics. "Total Outside Spending by Election Cycle, Excluding Party Committees." Retrieved 22 April 2013 from:

[http://www.opensecrets.org/outsidespending/cycle\\_tots.php](http://www.opensecrets.org/outsidespending/cycle_tots.php).

<sup>13</sup> Center for Responsive Politics. "Outside Spending." Retrieved 22 April 2013 from: <http://www.opensecrets.org/outsidespending/index.php>.

<sup>14</sup> Open Secrets. (14 Jan 2013) "2012 Super PACs: How Many Donors Give?"

Retrieved on 1 March 2013 from: [http://www.opensecrets.org/outsidespending/donor\\_stats.php?cycle=2012&type=](http://www.opensecrets.org/outsidespending/donor_stats.php?cycle=2012&type=)

<sup>15</sup> 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/>.

<sup>16</sup> Open Secrets. (25 October 2012) "Shadow Money's Top 10 Candidates." Retrieved on 1 March 2013 from:

<http://www.opensecrets.org/news/2012/10/shadow-moneys-top-10-candidates.html>.

<sup>17</sup> Demos (2 November 2012) "Reported Outside Spending, 2012 Election Cycle." Retrieved on 1 March 2013 from: <http://www.demos.org/data-byte/reported-outside-secret-spending-2012-election-cycle>.



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