U.S. Democracy Post *Citizens United*

Jonah Minkoff-Zern, Public Citizen
These are people.
These are NOT people.
Remember how the corporation in your homeroom laughed and milk came out its nose? ☕️

NEITHER DO WE. CORPORATIONS ARE NOT PEOPLE.

SIGN THE PETITION AT WWW.MOVETOAMEND.ORG

POLITICAL LOUDMOUTH
Buy me, and

I will work for YOU!

Contact your local, state, and federal officials to let them know you are against Citizens United.
BL ROCK THE VOTE
An Apocalyptic Ruling? Or an Opportunity for Deeper Change?
Outline

• *Citizens United v. Federal Election Commission*
  – Decision & Implications
  – Solutions
• Constitutional Amendment Campaign
• Amendment Campaign in NH
• How You Can Get Involved
The Ruling

SUPREME COURT’S "FIRST AMENDMENT" DECISION

CORPORATIONS

We the People

Political cartoon by Adam Zyglis / The Buffalo News
Corporations shall...

- Be treated as people
  and accordingly:
  - Be afforded First Amendment rights
    and thus:
    - Have a right to spend whatever they wish to influence elections
The Ruling

- Money is speech (*Buckley v. Valeo*)
- Corporations are people (*Santa Clara County v. Southern Pacific Railroad*)
- So, First Amendment says no stopping corporations from spending
The “independent expenditures” of corporations “do not give rise to corruption or the appearance of corruption.” – Supreme Court
Citizens United & the Rise of the super PAC

• Political Action Committee (PAC)
  – organization that supports or opposes candidates, legislation, or proposed legislation
• super PAC (aka independent-expenditure only committee)
  – no campaign or party giving but can have unlimited political spending outside of that
  – different from traditional PAC because it can raise money from people, corporations, unions w/o limit
**Speechnow.org v. Federal Election Commission**

**FEC**
- If people give to a fund, it becomes a PAC
- PAC can’t get corporate, union, or individual contributions over $5000

**Citizens United**
- Due to *Citizens United*’s logic you can’t restrict source and size of contributions if giving independent expenditures to help or hurt a candidate

George Soros  
Charles Koch  
Bill Koch  
Sheldon Adelson
Outcomes of *Citizens United*

- super PACs
- CU 501(c)(4) public advocacy groups (NRA, Sierra Club) make expenditures in political races
  - Dark Money
  - Shadow Money
Election 2010

- Rise of outside groups, which reported spending nearly $300 million, a 384% increase from the 2006 midterms.

- Karl Rove et. al. relied on corporate and billionaire funding to dominate the election – small number of donors dominate.
Total Outside Spending by Election Cycle, Excluding Party Committees

- **Dollars**: $1,400,000,000.00 to $0.00
- **Chart** shows spending by election cycle from 1990 to 2012.
- **Categories**:
  - Communication Costs (Internal)
  - Electioneering Communications (ads w/n 30 days of primary or 60 days of general election that mention federal candidate)
  - Independent Expenditures
2012 Election Cycle

• (People or corporations) accounted for the largest percentage of super PACs funds?
  – Wealthy People accounted for 73.8% of super PACs funds
• What was the average gift?
  – nearly $20,000

http://www.demos.org/sites/default/files/publications/MegaphonesMillionaires-DemosUSPIRG.pdf
2012 Election Cycle

• Does the 1% control our elections?
  – No, the less than 1%

• 94% of money from people came in $10,000 minimum chunks from only 1,082 people
  – What percent of the American population is that? .00035%

• 47 people spent $130 million in the 2012 election.
  – That is equivalent to over 6 million people giving $20 each.

http://www.demos.org/sites/default/files/publications/MegaphonesMillionaires-DemosUSPIRG.pdf
2012 Election Cycle

• This election, 84% of House and 67% of Senate candidates who outspent opponents won

• Incumbents outraised opponents $1,732,000 to $319,000 (House) and 7.02 million to 1.69 million (Senate)

• Non-incumbent: 20% of funds came from their own wealth

$ in Politics Hurts Organized Labor

- The 2012 effort to recall union-busting Wisconsin governor Scott Walker showed just what unlimited money in politics looks like.

- A state-law contribution loophole and the national super PAC infrastructure built by *Citizens United* gave Walker a nearly **8-to-1** fundraising advantage. He dumped close to **$80 million** into the state.
$ in Politics Restricts Civil Rights

- The corporate-backed American Legislative Exchange Council (ALEC) has helped write and promote legislation that disenfranchises minority voters.
- Overall, 25 states have passed laws restricting voting.
$ in Politics Hurts the Earth

- On an April 7, 2011 vote, lawmakers in favor of a bill to prevent the EPA from regulating greenhouse gases received over **five times** as much money from the energy sector than those opposed.
Corporations As People

- 1\textsuperscript{st} Amendment – Buying Airwaves and Right to Silence
- 4\textsuperscript{th} Amendment – Hiding pollution
- 5\textsuperscript{th} Amendment – Preventing preservation
- 14\textsuperscript{th} Amendment – Pollution must be ongoing
What is in store for the Future?

- Citizens United
- Shadow Money
- Speechnow.org
- Congressional Races
- Super PAC
- Accessibility
- Spending
- Civil Rights
- Related Cases
- Environment
Pro-Democracy Reforms

- Voting Rights
- Public Financing
- Disclosure
- Shareholder Rights
- AMENDMENT
Only an Amendment...

• Addresses the unlimited amount of spending from corporations and wealthy individuals
The Growing National Movement

- Constitutional amendment effort:
  - Nearly 500 local municipalities
  - Twelve states
  - Over 135 members of Congress
  - President Barack Obama
  - Over 2 million petition signatures
  - Over 140 environmental, peace, civil rights, labor, faith groups
- Many, many local and state groups
- united4thepeople.org
- democracyisforpeople.org
What does the movement look like?
What You Can Do

- Collect Petition Signatures
  - 2 million people
- Host a House Party
- Write a Letter to the Editor
  - Nashua Telegraph
  - Concord Monitor
  - Union Leader
- Contact Your Senator
- Pass Resolutions
Progress in New Hampshire

• On March 14, 2012, citizens in a Bradford Town Hall meeting voted to pass a resolution condemning the Citizens United decision and calling for a constitutional amendment to overturn the Supreme Court's ruling.

• On April 10, 2013, Conway passed warrant article 33, 704-520, calling for a constitutional amendment to overturn Citizens United.
UNH Poll Shows Bipartisan Support

• New Hampshire residents “oppose the U.S. Supreme Court ruling in *Citizens United v. Federal Election Commission*”

• New Hampshire residents support a constitutional amendment that limits campaign contributions and spending
Answering the Call in NH

• In 2013, a resolution was introduced in the New Hampshire House of Representatives, calling for a constitutional amendment.

• The resolution passed in the house 189-139 on March 20; now we need to put pressure on the state senators to ensure its passage.
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