

# DEMOCRACY IS FOR PEOPLE



A Public Citizen project

## A Call for a Constitutional Amendment to Overturn *Citizens United v. Federal Election Commission*

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 precedents, 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 stands to deal a devastating blow to our democracy unless we act.

### Americans Are Outraged by the Court's Decision

- Nearly nine in ten Americans say that big companies (88%) have too much power in Washington D.C.<sup>i</sup>
- Eight in ten respondents oppose the court's decision in *Citizens United*.<sup>ii</sup> In a more recent poll, across the board, Republicans, Democrats and Independents who had heard about *Citizens United* believed by a significant margin (almost 4 to 1) that the ruling is having a negative effect.<sup>iii</sup>
- Small business owners view the *Citizens United* ruling as bad for small business: 66% of those surveyed said it is bad for small businesses. Only 9% said it was good for small business.<sup>iv</sup>
- Several polls also show a strong desire on the part of voters for full disclosure of corporate money in politics; however, 62% say disclosure alone is not enough.<sup>v</sup>

### Since the Court's Decision, Corporate Expenditures Have Soared

- Spending by outside groups rose 427% in the 2010 election cycle, reaching \$294.2 million.<sup>vi</sup>
- In the 2010 election cycle, the U.S. Chamber of Commerce spent more than \$32.8 million on "electioneering communications."<sup>vii</sup>
- Outside spending made a big difference in the 2010 congressional elections; outside groups backed the winners in 58 of the 74 contests in which power changed hands.<sup>viii</sup>
- Super PACs, which were created after an appeals court applied *Citizens United*, have collectively spent more than \$45 million during Campaign 2012.<sup>ix</sup>
- Overall spending in the 2012 election is predicted to reach new heights – up to \$8 billion!<sup>x</sup>

### Why a Constitutional Amendment

- A constitutional amendment is the long-term solution to fully reverse the court's decision, restore our rights and assert once and for all that democracy is for people, not corporations.
- Our elected officials cannot support the wellbeing 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.



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[www.democracyisforpeople.org](http://www.democracyisforpeople.org)

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- A corporation is not a person. It does not vote and should not be able to have such tremendous influence over election outcomes.
- A constitutional amendment is ultimately the only way to finally overcome the profound challenges to our democracy posed by the *Citizens United* decision.

## Support is growing quickly for an amendment

- **Thousands of people throughout the nation took the streets at more than 300 actions to protest the second anniversary of *Citizens United* in January 2012.**
- So far, **more than 1 million people** have signed petitions in support of an amendment.
- More than 60 organizations – groups concerned about civil rights, the environment and climate change, open government and workers’ rights – have endorsed the United for the People coalition’s unified Call to Action for a constitutional amendment ([www.United4ThePeople.org](http://www.United4ThePeople.org)).
- A growing number of cities and towns – including New York City, N.Y.; Los Angeles and Oakland, Calif.; Duluth, Minn.; Portland, Ore. and Chapel Hill, N.C. – have passed resolutions calling on Congress to send state legislatures a constitutional amendment overturning *Citizens United* and reining in corporate influence. Similar resolutions are pending in state legislatures, including California, New Mexico, Maryland, Vermont and Massachusetts.

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

<sup>ii</sup> 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>.

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

<sup>iv</sup> 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](http://www.asbcouncil.org/poll_money_in_politics.html).

<sup>v</sup> Hart Research Associates (Jun 2010). "Protecting democracy from unlimited corporate spending." Retrieved 15 September, 2011, from <http://www.pfaw.org/sites/default/files/CitUPoll-PFAW.pdf>

<sup>vi</sup> Public Citizen's analysis of Federal Election Commission (FEC) data. See Congress Watch (January 2011). "12 Months After: The Effects of *Citizens United* on Elections and the Integrity of the Legislative Process." Retrieved 15 Sept, 2011, from <http://www.citizen.org/documents/Citizens-United-20110113.pdf>.

<sup>vii</sup> Froomkin, D. (21 April 2011). "FEC Sued By Chris Van Hollen Over Huge Disclosure Loophole." *Huffington Post*. Retrieved 15 September 2011 from [http://www.huffingtonpost.com/2011/04/21/fec-sued-over-huge-disclosure-loophole\\_n\\_852045.html](http://www.huffingtonpost.com/2011/04/21/fec-sued-over-huge-disclosure-loophole_n_852045.html)

<sup>viii</sup> *Outside Job* (November 2010). Public Citizen. Retrieved September, 2011, from <http://www.citizen.org/documents/Outside-Job-Report-20101103.pdf>.

<sup>ix</sup> Center for Responsive Politics. "Super PACs." Retrieved 1 February, 2012, from <http://www.opensecrets.org/pacs/superpacs.php?q13>.

<sup>x</sup> Meyers, J. (14 April 2011). "2012 Election Price Tag: \$8 Billion." *Newsmax.com*. Retrieved 15 September, 2011, from <http://www.newsmax.com/InsideCover/election-cost-price-tag/2011/04/14/id/392926>



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