

## The Call to Amend the U.S. Constitution

- ❖ The idea that corporations are "people" under the Constitution and money is "speech" gave rise to the *Citizens United* and *McCutcheon* decisions, and has created a crisis in our democracy.
- ❖ We cannot wait for Washington to fix this on its own. That is why people across the country are standing up and demanding an amendment.
- ❖ The people of Wisconsin have a right to be heard. This referendum will let voters across the state express their views on this important question.
- ❖ We have amended the Constitution 27 times over the course of our country's history. We can do it again. This advisory referendum is one step toward this goal.
- ❖ Passage of this referendum would increase pressure on the federal government to act.

### A BROAD, TRANSPARTISAN CALL FOR CHANGE

- A 2010-2011 Peter Hart Research poll found that Republicans (68%), Independents (82%), and Democrats (87%) "*support a constitutional amendment that would overturn the Citizens United decision and make clear that corporations do not have the same rights of people.*"
- A 2012 AP poll found that Republicans (81%), Independents (78%), and Democrats (85%) believe "*There should be limits on the amount of money corporations, unions, and other organizations can contribute to outside organizations trying to influence campaigns for President, Senate, and the U.S. House.*"
- A 2012 American Sustainable Business Council poll found that 66% of small-business leaders said the Citizens United decision has hurt them, and 88% said money has a negative role in politics.
- A 2013 Committee for Economic Development poll found that 87% of business leaders think that our campaign finance system needs "major reforms" or "a complete overhaul".
- A 2013 Tulchin Research poll found that 97% of Americans think it is important that "our elected leaders reduce the influence of corruption in political elections."

**In Wisconsin, over 100 communities have passed resolutions** calling for a constitutional amendment to undo *Citizens United*. In total, 2.8 million people (49% of Wisconsinites) live in jurisdictions that have called for an amendment. **Nationwide, 19 states and over 730 communities** have done the same thing. When the question has been put to the voters, it has passed with overwhelming support in majority-Democrat, majority-Republican, and split areas. On average, here in Wisconsin, it passes with a 79% majority.

### IMPACTS ON THE REPUBLICAN AND DEMOCRATIC PARTIES

Politicians now spend much of their time raising funds to be re-elected:

We're told here [in the U.S. Congress], two things, one is the one with the most money gets the most votes, and number two, you should be spending 30 hours a week in fundraising and call time dialing for dollars.

- Rick Nolan, U.S. Representative

U.S. House members averaged raising \$2,315 per day, while U.S. Senators averaged raising \$14,351 per day during 2012.

- MapLight.org (Analysis using FEC data)

Members spend 30 percent to 70 percent of their time raising money to stay in Congress, or to get their party back in power.

- Lawrence Lessig, Professor, Harvard Law School

Politicians are trapped into catering to their wealthiest donors. Party platforms are also heavily influenced by the desires of such donors. Vast amounts of money from outside the state, and even the country, can be spent to sway elections. Out-of-state donors routinely even attack candidates in their own party in primaries.

### WISCONSIN BUSINESSES AND FARMERS SPEAK OUT

Fair-minded business owners just want the chance to compete fairly, and money-driven politics is standing in the way. **Company revenue is better spent innovating, competing, and hiring new employees, rather than lobbying for unfair advantage.** We don't want unfair advantage -- we want a free and fair market in which to compete.

- Ben Seigel, Principal, Versa Studio

**Money in politics is a big problem for small business.** Our members want to compete in a free and fair market, yet they've seen that the market can become distorted by political spending. We say it's time to let Wisconsin voters decide whether unlimited spending should continue to influence our elections.

- Lori Compas, Executive Director, Wisconsin Business Alliance

Our members understand that a strong economy and strong rural communities depend on a strong democracy. **We need to get the money out of politics, and put the people back in the driver's seat...** [voters] throughout Wisconsin have supported such ballot initiatives on a bipartisan basis. We think all citizens statewide should have the same opportunity to vote on this question.

- Darin Von Ruden, President, Wisconsin Farmers Union

### STATEMENTS BY PAST AND PRESENT POLITICAL LEADERS

**Newt Gingrich (R)**, 2012 Interview with Stephen Colbert:

*Gingrich:* "**I think super PACs as such are in fact very dangerous in the long run.** When we see Mayor Bloomberg put a million seven hundred thousand into a democratic district in California to beat somebody, there's **something fundamentally, profoundly wrong about what's happening, and its happening in both parties** and in the long run it's going to be very negative and very destructive of our system... I had one billionaire, a good friend and a person who's deeply passionate..."

*Colbert:* "Great friend to have. Billionaires are some of the best friends to have."

*Gingrich:* "I'd love to have had 10 or 15. Romney had about 26. It turned out 26 billionaires beat one..."

*Colbert:* "**That would make a great reality show: Billionaire Fight.**"

*Gingrich:* "There you go. **We just had it. It was called the election.**"

**Russ Feingold (D)**, U.S. Senator:

"[The Citizens United decision] is one of the great turning points, not only in campaign finance, but also in our country's history. **I believe we're in a constitutional crisis.**"

**Barry Goldwater (R)**, 1964 Presidential Candidate:

"In order to achieve the widest possible distribution of political power, financial contributions to political campaigns should be made by individuals and individuals alone. **I see no reason for labor unions -- or corporations -- to participate in politics.** Both were created for economic purposes and their activities should be restricted accordingly."

**Barack Obama (D)**, U.S. President

"The Supreme Court [in Citizens United] reversed a century of law that I believe will open the floodgates for special interests -- including foreign corporations -- to spend without limit in our elections. **I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities.**"

*John McCain (R), U.S. Senator*

"We need to go back to the realization that Teddy Roosevelt had that we have to have a limit on the flow of money, and that **corporations are not people**. That's why we have different laws that govern corporations than govern individual citizens. And so **to say that corporations are people, again, flies in the face of all the traditional Supreme Court decisions... that have been made in the past.**"

*Franklin D. Roosevelt (D), U.S. President*

"And so it was to win freedom from the tyranny of political autocracy that the American Revolution was fought. That victory gave the business of governing into the hands of the average man... Since that struggle, however, man's inventive genius released new forces in our land which reordered the lives of our people... The hours men and women worked, the wages they received, the conditions of their labor -- these had passed beyond the control of the people, and were **imposed by this new industrial dictatorship**. The savings of the average family, the capital of the small businessmen, the investments set aside for old age -- other people's money -- these were tools which **the new economic royalty used to dig itself in.**"

*David Stockman (R), Director of the Office of Management and Budget*

Appointed by Ronald Reagan, Stockman went through the budget "with a fine tooth comb" and cut thousands of budget items, ushering in the largest tax cut in U.S. history. Later, after analyzing the threats to democracy, he said:

"Now we have an entitled class in this country that is far worse than, remember the 'welfare queens' that Ronald Reagan used to talk about? **We now have an entitled class of Wall Street financiers and corporate CEOs** who believe the government is there to do whatever it takes to keep the game going and their stock price moving upward. How do we solve it? **I think we can only solve it by a Constitutional Amendment**, so I don't say this lightly, but I think we have to eliminate all contributions above \$100 and get corporations out of politics entirely. Ban corporations from campaign contributions or attempting to influence elections."

*Kathleen Vinehout (D), WI State Senator*

"We cannot win in a game where they've written the rules. And **the rule of money is that politics is a spectator sport and the only way you move ahead as a candidate is by having more money**. And [that] people are passive and people can be... manipulated to vote against their own interests and they can be distracted from things that really matter, like what's important to our community."

*Tammy Baldwin (D), U.S. Senator*

"It is so important that we overturn *Citizens United*, which was the Supreme Court case that says corporations are people and they can spend limitless amounts of money to influence elections. **We either need to have the Supreme Court overturn its prior ruling or we actually have to amend the U.S. Constitution**. It's a Herculean battle, but it's one the people must undertake if we're going to get our democracy back."

*Sen. Dale Schultz (R), WI State Senator*

"I've always thought that business didn't have sufficient voice in political matters... never in my wildest dreams did I ever think that business was going to buy the public square. ... **We're talking about billionaires turning this country into a Russian-style oligarchy, where there are two dozen billionaires who buy the whole political process...** The reality is, all of us will *never* be heard if we don't find a way to do this [i.e, pass a constitutional amendment]. ...**This is so important that we must place it as the number one thing.**"

*Chris Taylor (D), WI State Representative*

"Thirty-two billionaires are contributing as much as every other small donor to the Mitt Romney and Barack Obama campaigns... [and] we're seeing policies in this legislature day after day... that hurt the average person. It is frustrating to watch that. Where are these policies coming from? ... [it] is because of **the special interest money coming in to these politicians to forward these policies that hurt us...**

### **EFFORTS TO ADDRESS THE PROBLEM**

Over a dozen amendments have been proposed in the U.S. Congress to overturn the *Citizens United* decision. The strongest of these is the "We the People Amendment," (HJR 48) which was introduced by Representatives Rick Nolan and Mark Pocan in 2015 with the backing of Move to Amend.

In our state, Wisconsin United to Amend (WIUTA) and the The Money Out, Voters In Wisconsin Coalition (MOVI) are working to undo the *Citizens United* and *McCutcheon* decisions. WIUTA actively supports people in communities across Wisconsin working to pass resolutions calling for a constitutional amendment, and MOVI has gathered over 24,000 signatures on a petition to place the question on the statewide ballot.

An advisory referendum on the Wisconsin ballot would allow voters to weigh in on whether to amend the U.S. Constitution to make clear that 1) corporations, unions and other artificial entities are not persons with constitutional rights, and 2) that spending money is not a form of free speech. Such an amendment would reverse the Supreme Court's *Citizens United* and *McCutcheon* decisions, and allow our elected officials to once again place common-sense limits on campaign spending.

*Wisconsin United To Amend*

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