



Why Support Amending the US Constitution to Overturn *Citizens United*?

Before *Citizens United v. Federal Elections Commission* – U.S. law recognizes corporations as “artificial persons” for limited purposes to conduct business. Because people were wary of corporations seizing power after the American Revolution, they limited corporate power through their state legislatures to protect against abuses of big money in politics. As time passed, state legislatures, and then the courts, began to blur the distinction between real people and artificial persons. In 1886, almost 100 years after ratification of the Constitution, the concept of corporate personhood was first introduced through the U.S. Supreme Court. Although our founders never intended for corporations to have Constitutional rights, courts granted more human rights to corporations through case law.

After *Citizens United* - Armed with human rights and legal privileges, large corporations have amassed fantastic wealth and power, which has undermined our sovereign self-governance and created a democracy crisis. In *Citizens United v. FEC*, the Supreme Court sided with the wealthy elite against the interests of the American people. Corporations can now spend unlimited money to buy our elections. The Court legalized the bribery of our elected officials. Good candidates that can't or won't compete in big dollar campaigns are sidelined. Increasingly, elected officials pass laws and adopt policies that serve the interests of big donors and large corporations. Consider these statistics:

- In the 2012 election cycle, outside spending more than tripled to over a billion dollars. Total spending on presidential and congressional races topped \$6 billion dollars.
- A tiny number of ultra-wealthy individuals make up the “donor class”, the top 0.01% of Americans with a net worth over \$100 million. Just 11 donors have given \$1 billion to super PACs from 2010 to 2018, and over two-thirds of super PAC funding comes from donations of \$1 million or more.
- A 2012 American Sustainable Business Council poll found that 66% of small business owners feel the *Citizens United* decision has hurt them, and 88% believe 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”.
- In 2013, the Democratic Congressional Campaign Committee advised freshman in Congress to spend 30-70% of their time raising money.
- 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.” Numerous polls since then indicate that money in politics and the associated corruption is the top issue in America today.
- A 2014 Princeton study reported that the ultra-wealthy and special interest groups have a substantial impact on U.S. government policy, while everyday citizens have little or no influence.
- A 2015 Bloomberg poll found that four in five Americans—80% of Republicans and 83% of Democrats—oppose the Supreme Court’s *Citizens United v. FEC* decision.
- In the 2016 election cycle, outside spending in federal elections reached \$1.4 billion. In total, almost \$7 billion dollars was spent on 2016 federal elections.

A national strategy our communities can support

- Amending the U.S. Constitution requires action by our legislators. However, because of the power of unlimited corporate campaign financing, our legislators will not adopt this amendment on their own; citizens must direct them to do it.
- Localities across America are adopting similar resolutions to pass a Constitutional amendment. The more jurisdictions (towns, villages, cities, counties) that do this, the more difficult it will be for legislators to ignore us. So far, over 160 Wisconsin communities have passed such resolutions and there’s over 820 nationwide.
- This resolution does not commit us to specific wording of the amendment; it simply makes clear our intent and desire. Our resolution is similar to those introduced at the state and federal levels.

Frequently Asked Questions

What are we trying to do?

Our goal is to restore our republic by permitting limits on how much money can be contributed and spent in American political contests. To do this, we must clarify the U.S. Constitution to make it clear that only human beings have Constitutional rights - not corporations, unions, nonprofits or other artificial entities, and that money is not political speech under the First Amendment.

Why are people so concerned about corporate political contributions?

Corporate interests are limited to what is good for the corporation; therefore, corporations do not share many legitimate interests of real people. Corporations don't have families or children; they cannot be sent to war or to jail; they often 'reside' in multiple countries and can feel no love for any particular country; they can accumulate more wealth than any individual (even entire nations) and they never die.

What is wrong with corporations and wealthy individuals contributing enormous sums of money to political contests?

Because large corporations and wealthy individuals command resources vastly exceeding those of ordinary citizens, unlimited political spending shifts power from the citizens to corporations and ultra-rich. Politicians are beholden to their funders and they no longer represent We the People.

What about unions?

Unions are a type of corporation and as such, limits on their political contributions were also thrown out by *Citizens United*. Unions' political contributions will also be subject to limitation again if we adopt a Constitutional amendment overturning *Citizens United*.

What is corporate personhood and why are people so worried about it?

A corporation is a legal invention granted special **privileges** under the law. These **privileges** not only help companies earn profits, but are intended to serve the public interest. Because the Court reinterpreted the Constitution to create the myth that a corporation is a 'person', *Citizens United* extended First Amendment-speech rights to corporations and eliminated bans on corporate expenditures influencing elections.

If corporate personhood is so bad, how did it end up on the books?

Although the Constitution itself never mentions corporations, corporate attorneys have successfully pressed for corporate personhood for more than a century. In *Santa Clara County vs. Southern Pacific Railroad* (1886), a court recorder added a statement in the footnotes suggesting that corporations are 'persons' under the 14th Amendment. Even though the Court never actually ruled on this issue and footnotes have no legal standing, *Santa Clara* has been used as legal precedent in many subsequent cases.

What about the idea that money is speech?

This is another Supreme Court created myth - the Constitution says nothing about this. In *Buckley vs. Valeo* (1976), the Court ruled that spending money to influence elections is a form of political speech, and it may not be restricted based on the speaker's corporate identity.

Why do we need a Constitutional amendment?

Based on these myths, the Supreme Court, in *Citizens United*, ruled that the Constitution gives legal protections, intended by the Framers for only human beings, to corporations, including the protections of the Bill of Rights. *Citizens United* could be overturned by the Supreme Court, but this is unlikely to happen anytime soon because the current justices are young and they are appointed for life. However, even if a future Court overturns corporate personhood, another later Court could always reinstate it in the future. This cannot be fixed by writing laws. Any legislation passed by Congress challenging corporate personhood or money as speech would be overturned by the Supreme Court and found to be invalid. Therefore, a Constitutional amendment is necessary.

What is the process to amend the U.S. Constitution?

There are two ways to propose an amendment: 1) by a two-thirds majority vote in both houses of Congress, and 2) by two-thirds of state legislatures calling for the amendment. Either way, the proposed amendment must be approved by three-fourths of the states.

Why are you working to pass local resolutions?

Federal and state legislators are too beholden to their corporate and wealthy donors to take initiative to reverse *Citizens United*, and only state and federal office-holders can officially initiate the amendment process. We the People must take the lead in protecting our rights to regain control our own governments. Local resolutions are a powerful tool because they help to educate and mobilize citizens while sending a strong signal to lawmakers.

For more information, please visit wiuta.org