

END CORPORATE RULE. LEGALIZE DEMOCRACY.

MOVE TO AMEND

Wisconsin



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. As a result:

- Skyrocketing political donations and spending completely shuts out candidates who do not have access to large reservoirs of contributions, and mutes voices of candidates who try to serve the public interest. Increasingly, elected officials pass laws and adopt policies that serve the interests of corporations and the wealthy elite. For instance,
 - In 2012, corporate spending skyrocketed due to the *Citizens United* ruling, accounting for 78% of campaign spending
 - Over \$300 million was spent on political advertising by outside interest groups
 - 72% of money spent by groups would have been prohibited before this ruling
 - Political spending by undisclosed donors increased from 1% to 47% of donations
- A ‘pay-to-play’ culture in public policy-making that concentrates power in the hands of those with the most money and muffles the political voices of flesh-and-blood Americans; and
- Eliminates numerous other restrictions on federal, state, and local governments’ ability to protect the public interest when it conflicts with corporate interests.

Support for overturning *Citizens United* crosses the political spectrum

- Most voters in both political parties support reversing this decision, including 79% of registered voters nationally.
- Most small business owners (66%) support reversing this decision.
- Corporations who don’t want ‘pay to play’ support reversing this decision.
- Even though unions are corporations, major unions and most union members support reversing this decision.

A national strategy our community 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.
- This resolution does not commit us to specific wording of the amendment; it simply makes clear our intent and desire.

Frequently Asked Questions

What are we trying to do?

Our goal is to reclaim our democracy by permitting limits on how much money can be contributed and spent in American political contests. To do this we must amend the U.S. Constitution to make it clear that only human beings - not corporations, unions, nonprofits, or other artificial entities - have Constitutional rights, 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 cannot share many legitimate interests of real people. Corporations don’t have families or children; they cannot be sent to war or to jail; they ‘reside’ in multiple jurisdictions and can feel no love for any particular country; they can accumulate more wealth than any individual (even entire nations) and they never die. On the other hand, our government must consider all legitimate interests, including those of communities where corporations operate.

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 that of ordinary citizens, unregulated political contributions and spending becomes grossly unbalanced; thus, voices of ordinary citizens are drowned out, and their interests sacrificed.

What about unions?

Unions are a kind of a 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?

People who work for, run, and own corporations are, of course, entitled to political and civil rights, but 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 interpreted the Constitution to include corporations as 'persons,' *Citizens United* extended First Amendment-protected-speech to eliminate 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 reporter included 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 subsequent cases.

What about the idea that money is speech?

This is another Supreme Court creation - 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?

The Supreme Court has ruled that the Constitution grants legal protections 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 the Court overturns corporate personhood, another Court could always reinstate it in the future. As for writing laws to fix this, 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) through a Constitutional Convention called by two-thirds of state legislatures. 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.

Which Wisconsin communities already adopted similar resolutions?

- **Cities:** Appleton (74%), Delavan (76%), Edgerton (87%), Elkhorn (69%), Fond du Lac (73%), Fort Atkinson (77%), Green Bay (77%), Kenosha, Lake Mills (73%), Madison (84%), Menasha (80%), Neenah (79%), Ripon (79%), Stoughton (82%), Waukesha (89%), Wausau (77%), Wauwatosa (64%), West Allis (70%), Whitewater (84%)
- **Villages:** Belleville (85%), DeForest (70%), Oregon (79%), Park Ridge (83%), Shorewood (76%), Waunakee (79%), Whitefish Bay (65%)
- **Towns:** Avon, Cross Plains, Dunn, Exeter, Farmington, Janesville, Jefferson, Koshkonong, Lake Mills, Oakland, Porter, Plymouth, Newark, Richmond, Spring Valley, Sumner, Watertown, Waterloo (61%), Westport, Windsor (70%)
- **Counties:** Chippewa (68%), Dane (78%), Douglas, Dunn (72%), Eau Claire (71%), Jefferson, Kenosha, Milwaukee (70%)

Which Wisconsin communities will have referenda on the April 2015 ballot?

- **Cities:** Evansville, Watertown
- **Towns:** Reedsburg

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