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Citizens United Third Anniversary Marked By Reformers With Push For Constitutional Amendment

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ANNAPOLIS, MD. -- Campaign finance reformers are ringing in the third anniversary of the Supreme Court's 2010 Citizens United decision with dozens of rallies and protests across the country. In Maryland, a group of protesters marked the ruling's birthday at a rally attended by federal and state lawmakers in front of the Maryland state house in Annapolis.

"Let's repeal this Citizens United case," Rep. John Sarbanes (D-Md.), a leading campaign finance reformer in Congress, said to the loudest cheers from the three-dozen or so attendees gathered in Annapolis.

This was just one of many rallies planned across the country from Jan. 17 to 21 to protest Citizens United as it enters its third year.

The Supreme Court decision, handed down on Jan. 21, 2010, overturned decades of campaign finance precedent by freeing corporations and unions to spend unlimited amounts on elections because, as Justice Anthony Kennedy wrote, "independent expenditures do not lead to, or create the appearance of, quid pro quo corruption." This change in law opened the floodgates for money in the political system. The 2012 election was the most expensive in history as groups empowered by Citizens United and subsequent rulings spent more than \$1 billion on federal elections.

Under the banner of "Money Out, Voters In" a coalition of groups hopes to reverse that trend by passing a constitutional amendment to repeal Citizens United, and they are using the rulings' anniversary to further mobilize support for their effort.

"A very vibrant movement has popped up in the last three years, and especially in the last year, to demand a constitutional amendment to overturn Citizens United and related decisions," said Robert Weissman, president of Public Citizen, a consumer advocacy and reform non-profit.

Weissman's group is one of many organizing in support of such an amendment. The effort has largely bypassed Washington in favor of the states, where the reform coalition is building increasing support through resolutions calling for an amendment in state legislatures, city councils, municipal governments and other local government bodies. These resolutions call on Congress to act and send an amendment for ratification by the states.

"Eleven states and more than 350 local governments have already passed legislative resolutions or ballot initiatives to overturn Citizens United," said Marge Baker, president of People For The American Way, a progressive advocacy group.

These efforts, Weissman notes, didn't really catch fire until last year. Ten of the 11 states that have passed resolutions in favor of overturning the ruling did so in the past year, and supporters say the movement is still growing.

"Not since Watergate has there been so much energy behind finally building a democracy in which a strength of a citizen's voice does not depend on the size of her wallet," said Adam Lioz, counsel for the liberal advocacy group Demos, a member of the coalition.

The 11 states include California, Hawaii, Massachusetts, New Jersey, New Mexico, Rhode Island and Vermont, which all passed resolutions through their legislatures; Colorado and Montana, where voters passed ballot initiatives in support of an amendment; and Connecticut and Maryland, where a majority of state lawmakers sent letters to Congress urging them to send an amendment to the states to ratify. Hawaii was the only state to pass an anti-Citizens United resolution prior to 2012.

Organizers say focusing on the state level helps to build grassroots support where a short-term win -- the passage of a resolution -- can actually be achieved. They believe it also pressures Congress by showing lawmakers in Washington that their constituents actually care about campaign finance, often overlooked as a process issue.

"It's actually making a huge difference, what's going on across the country at the state level, because every day, when members of Congress come to work, we are greeted with more petitions and other expressions of this deep, deep frustration and anger that people are feeling across the country," Sarbanes, the Maryland representative, told the crowd in Annapolis.

There were at least 17 constitutional amendments introduced in Congress last year to repeal Citizens United and previous campaign finance decisions. President Barack Obama stated his support for an amendment while talking to readers of the website Reddit during his reelection bid. House Democratic Leader Nancy Pelosi included amending the Constitution in her party's election-reform task force that will work on legislative language in 2013.

On Thursday, 19 congressional Democrats, including the head that task force, Rep. John Larson (D-Conn.), sent a letter to the chairmen of both the House and Senate Judiciary Committees calling for hearings on proposed constitutional amendments to overturn Citizens United.

"This year, the House Judiciary Committee has the opportunity to look at constitutional remedies to address the decision on Citizens United, and take the influence of money out of politics," Larson said in a statement. "Three years is too long to have the voice of ordinary Americans drowned out by mega-corporations, millionaires and billionaires."

The 2012 election featured the highest giving by millionaires and billionaires since the current campaign-finance regime was instituted in the 1970s. Led by casino tycoon Sheldon Adelson's \$101 million in donations to super PACs, there were more than 150 donors who gave \$1 million or more to independent political efforts.

A recent report by U.S. PIRG and Demos found that the top 32 donors to super PACs combined exceeded the total giving of the 3.7 million small donors who gave to either the Obama or Mitt Romney campaigns.

This spending even caused some previous supporters of the Citizens United ruling to feel disgust at the system.

"I think super PACs as such are in fact very dangerous in the long run," former Speaker of the House and 2012 presidential candidate Newt Gingrich told the comedian Stephen Colbert on his show "The Colbert Report" in November. "There's something fundamentally, profoundly wrong about what's happening. And it's happening in both parties, and in the long run it's going to be very negative and very destructive of our system."

A constitutional amendment overturning Citizens United still has little support among Republicans, and its passage would require two-thirds support in both the House and the Senate before requiring three-fourths support from the nation's 50 state legislatures.

Sarbanes did not shy away from that fact in Annapolis. "It's hard to get this thing. It's hard to amend the Constitution," he told supporters. "You're doing your job by sending the message to Congress."

But Sarbanes noted that public support is on the reformers' side. A poll commissioned last year by such groups, including Public Campaign Action Fund and Democracy Corps, found 62 percent of respondents opposed the Citizens United decision, and 55 percent did not believe that corporations should have the same rights as people.

"Nobody can really know how long this project will take, but I think that what we've learned is that it's not a question of time, but rather a question of urgency and of will," said Derek Cressman, Common Cause's vice president of state operations.

CORRECTION: *An earlier version of this article misstated the share of state legislatures required to approve a new constitutional amendment. It is three-fourths, not two-thirds.*

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