

**The 2012 Democratic Party of Virginia State Convention Supports a
Constitutional Amendment to Overturn the *Citizens United* Decision and
Restore the People's Right to Limit the Influence of Money in Elections
by Establishing that Corporations Are Not People and Money Is Not Speech**

Background

The U.S. Supreme Court's 5-4 decision in *Citizens United vs. Federal Election Commission (FEC)* legalized unfettered corporate spending to influence federal elections, overturned a century of established law that acknowledged the power of citizens to limit corporate influence in elections and opened the floodgates to the flow of money in politics.

By enabling the rise of super PACs and secret campaign spending, the ruling has also led to an unprecedented flood of money in elections across the United States from a few wealthy individuals. Super PACs today can accept and spend unlimited corporate, special interest and individual donations, essentially as unregulated and out of control adjuncts of the campaigns.

The vastly greater financial resources corporations and a few wealthy donors have to influence elections dwarf those of most individual citizens and unions. The Supreme Court's decision thereby allows the "speech" of corporations and a wealthy few to drown out the speech of ordinary citizens.

Fair elections are fundamental to the health and well-being of our democracy. Moreover, democracy is measured not only by the fairness of elections but also by the scope of national life that is subject to popular control.

In the 2010 Congressional elections, more than two-thirds of all campaign contributions came from one-quarter of 1 percent of the population, half of that money was secret, and outside groups backed winners in 58 of the 74 contests in which power changed hands.

Failure to reverse *Citizens United* and restore to the people the right to limit corporate and special interest influence will lead to the weakening of laws that ensure and protect fairness in labor, financial services, antitrust, consumer protection, corporate governance, tax code, social services, and the environment.

With the current justices seated, the only way to reverse the Court's decision is to amend the U. S. Constitution. Accordingly, 3 Senate and 10 House bills proposing Constitutional remedies to *Citizens United* have been introduced in the 112th Congress and nearly 300 at the state and local level throughout the nation.

Among these, Congressmen Gerald E. Connolly (VA-11) and James P. Moran (VA-8) cosponsored H.J.Res.90: Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

Former House Speaker Nancy Pelosi said, "We have a clear agenda in this regard: Disclose, reform the system reducing the role of money in campaigns, and amend the Constitution to rid it of this ability for special interests to use secret, unlimited, huge amounts of money flowing to campaigns." "Our Founders had an idea. It was called democracy. It said elections are determined by the people, the voice and the vote of the people, not by the bankrolls of the privileged few. This Supreme Court decision flies in the face of our Founders' vision and we want to reverse it."

President Obama said "corporations are not people, people are people," and through his campaign said that he "opposed the *Citizens United* decision. . .And [he] favors action— by constitutional amendment, if necessary..."

The *Citizens United* decision triggered a growing grassroots backlash, including the Occupy Wall Street movement, against the corrupting influence of money from corporations and a few wealthy donors over our legal and political system, and increasing numbers of progressive media and advocacy groups are petitioning for a constitutional amendment to prevent control of our elections by corporations and the wealthy few, having already collected nearly 1 million signatures; and

Multiple polls continue to reveal that Americans oppose *Citizens United* by about 4 to 1, and a Hart Research survey a year after the Court's edict was issued found that 87% of Democrats, 82 % of Independents, and 68 % of Republicans favored passage of a constitutional amendment to overturn *Citizens United* and to make clear that corporations do not have the same rights as people.

Action

The 2012 Democratic Party of Virginia State Convention:

1. Asserts that corporations should not be entitled to the same rights in our elections as people, and that the American people must reclaim their rightful place as sovereigns in our democracy to protect the electoral process from corporate domination; and
2. Asserts that the Supreme Court's ruling in *Citizens United* was incorrectly decided, and is undermining our democracy; and
3. Stands with communities across the country to defend democracy from the corrupting effects of the undue power of corporations and the wealthy few by supporting an amendment of the United States Constitution to establish that:
 - a. Corporations should not be entitled to the same Constitutional rights in our elections as people and should have only the powers and rights granted to them in state and federal election law; and
 - b. Money is not speech so federal and state governments have the power to fairly regulate, without infringing the freedom of the press, any political contribution or spending; and
4. Urges our city, county, state and federal representatives to enact resolutions and legislation to advance such a Constitutional Amendment and to seek additional legislative remedies to promote transparency and accountability.
5. Urges citizens to communicate their support for such an amendment to their city, county, state and federal representatives; and
6. Commends Congressmen Gerald E. Connolly and James P. Moran for cosponsoring H.J.Res. 90 that proposes a Constitutional Amendment remedy to this pernicious assault on our democracy.