

Billionaires Are Buying Our Democracy Part I

By Selma Sternlieb

In 2010, the Supreme Court, in a 5-4 vote, handed down the Citizens United decision which said that political spending is a form of protected speech and the government may not prevent corporations and unions from spending money to influence elections, so long as the money is not given directly to the candidates.

The majority's point of view, as stated by Supreme Court Justice Anthony Kennedy was that "independent expenditures, including those made by corporations, do not give rise to corruption." This opinion was met with derision by Supreme Court Justice John Paul Stevens, who wrote, "At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self-government since the founding."

In the years that followed, the decision unleashed huge sums of money into the election process. It paved the way for direct corporate spending and the creation of Super PACs, which can accept unlimited contributions from corporations. As a result, a candidate who knows that a Super Pac is gunning for him/her is forced to raise even more money to counter the effects of the Super Pac's money, and, in the process, becomes even more beholden to major donors.

In 2012, just 32 donors gave more to Super PACs than 3.7 million Americans of average means who gave under \$200 to the presidential candidates. As Sen. Elizabeth Warren noted, "When 32 people can outspend 3.7 million citizens our democracy is in real danger."

Disproportionate spending manifests itself in many ways: For instance, at least three quarters of Americans back a minimum wage increase. Yet, Congress has not passed such a measure because of the huge influence exerted by groups like the National Restaurant Association. The threat of climate change is being largely ignored by a Congress that received millions from the Koch brothers' fossil fuel interests. In February, the Koch brothers announced that their network of donors plans to invest \$900 million in the 2016 campaigns, a sum greater than that which the Democrat or Republican organizations have ever spent on a campaign. In a recent blogpost Pearl Korn wrote, "Is a Koch Party now emerging to become more powerful even than the Republican Party? "

Since corporations are always anxious to remove regulations on everything from public health to environmental rules, we citizens need a strong government to protect us from the efforts of groups like the U.S. Chamber of Commerce. The Chamber is an extremely well-funded lobbying outfit that promotes government policies that help powerful corporations make even more profits. It has poured millions into efforts at deregulation. The effects include everything from ecological and economic damage to the Gulf of Mexico from the BP oil spill to the 2009 outbreak of salmonella in peanut butter. Deregulation is the major cause of the mortgage loan crisis and the severe economic recession that it triggered. Under George W. Bush, the Office of Information and Regulatory Affairs undid regulations on pesticide use, coalmine ventilation, air and water quality, lead paint disclosures, toxic release reporting and family medical leave.

Every survey shows that the public wants government to spend more on education and health, on helping the poor, on protecting the environment and on raising the minimum wage. But corporations have used their millions to thwart these wishes by supporting efforts to slash taxes, reduce social spending and undermine regulatory programs. We have moved from a society of 'we are all in this together' to a society of 'you're on your own.'

Billionaires Are Buying Our Democracy Part II

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Unless the Supreme Court decides to rescind its decision, the only way to overturn Citizens United is through an amendment to the Constitution. Sixteen states, the District of Columbia and almost 600 cities and towns have passed resolutions calling for such an amendment. In 2012, President Obama told the Reddit website, "I think we need to seriously consider mobilizing a constitutional amendment process to overturn Citizens United." In September, 54 U.S. senators voted for such an amendment, short of the 60 votes needed to end debate and force a vote.

Article V of the US Constitution defines two ways to amend the Constitution. One is for Congress, by a two-thirds vote in each chamber, to propose an amendment that is then ratified by three-quarters of the states. The second way is for two-thirds of the states to call for a Constitutional Convention to propose an amendment that is then ratified by three-quarters of the states. A Constitutional Convention would be made up of delegates from each state. All twenty-seven of the amendments to the Constitution were initiated by Congress. None have been enacted using the Constitutional Convention process. One purpose of calling for a Constitutional Convention is to pressure Congress to resolve the issue by initiating an amendment themselves. Some attempts to call a convention have pressured Congress into initiating the desired amendment when the count of states is getting close to the required number. In the past 11 months, four states, Vermont, California, Illinois and New Jersey, have made an official call for a Convention to address concerns raised by Citizens United.

In 2013, the Maine Legislature passed one of many resolutions memorializing Congress to pass a constitutional amendment to reverse the ruling in Citizens United v. FEC. Although the resolutions are official state legislation, they are in the form of requests rather than of applications, and do not count toward the two-thirds of states needed to call for a constitutional convention. At that point a group of Maine citizens started We The People Maine, the purpose of which was to gather signatures on a citizen initiative petition to the Legislature that says Corporations are Not People and Money is Not Speech. If enough signatures were gathered the Legislature could do one of two things: It could notify the U.S. Congress that the State of Maine is calling for an amendment to the Constitution or, if the Legislature is not willing to do that, a We The People Maine Referendum would place the question on the ballot for Maine voters to consider.

By the end of the year more than 400 volunteers helped spread the word about this effort and had collected over 35,000 signatures, more than half the number required, from voters in every county in the state. With time running out on the petition, We The People Maine folks have decided to back the We The People Maine (WTPM) initiative in the State Legislature, which may go to a hearing later this session. This is an opportunity for citizens concerned about the disproportionate power of corporations to inform and advise legislators through personal contact and at any public hearing on the resolutions.

Many national groups are involved in the fight against Citizens United, among them Move to Amend, Public Citizen, Demos, Common Cause, Free Speech for People and the Program on Corporations Law and Democracy. We need to inform ourselves about their stand and join the fight to preserve our democracy.