

Amherst Town Meeting – April 30, 2012

Warrant Article #28: Citizens' Petition to Reverse Citizens United (Swift et al)

January 20, 2010 - The Supreme Court declared, by a 5-4 vote in *CU v FEC* landmark case, that **corporations - entities created by the law of states** - have the same rights of free speech as individuals and that their campaign contributions cannot be regulated. It opened the floodgates of large undisclosed contributions for election campaigns through Super PACs and "501 (c)" groups. The decision ended 100 years of campaign finance laws and upended the McCain-Feingold Bipartisan Campaign Finance Law (2003)

PACs

- 1974 – Congress sets limits on Traditional PAC contributions to candidates & political parties and establishes the FEC; disclosure requirements subject to state & federal campaign finance laws. Individual contributions capped at \$5,000; \$30,800 to Democratic, Republican, and other parties
- Post 2000 – “527” Organizations (Stealth PACs); unlimited contributions from individuals & the general treasury of corporations/unions; not regulated by FEC, disclosure to IRS; unlimited contributions from individuals/corporations/unions Ex: Swift Boat Veterans for Truth, Citizens United, MoveOn
- Post 2010 - *CU v. FEC* decision and parallel growth of SuperPACs & HYBRIDS; 403 registered SuperPACs, 126 corporations and unions

Super PACs: Unlimited contributions from individual megadonors & general treasury of corporations/unions; direct advocacy for/against a candidate, independent of candidate; disclosure required, but often not disclosed before an election. Ex: American Crossroads, Obama for America, AFSME

HYBRIDS, Chapter 501 (c) – merges PACs & SuperPACs; no limits on either domestic, foreign or international subsidiaries; no direct contributions to candidates or political parties allowed; no donor disclosure required. Ex: Crossroads GPS, Priorities USA, ActBlue

Effects of *CU v. FEC* on 2012 Campaign Contributions

- \$9 billion current estimate for 2012 spending, ½ from SuperPACs. Up from \$4 billion in 2008 campaigns
- 26% of Americans contribute more than \$200 in a congressional campaign
- .05% give the maximum \$5000 to any congressional candidate
- .01% contribute more than \$6000
- **196** Americans contribute close to 80% of SuperPAC monies

Status of Massachusetts' Resolutions in Support of Overturning *CU v FEC*

- 16 cities & towns in Massachusetts, including Leverett, Williamstown, and Great Barrington, have approved a resolution
- At least 23 other cities & towns in Mass. are in the process of approving a resolution
- Legislative Proposals for a Constitutional Amendment:
State Sen. Jamie Eldridge –SB 772, Restoring Free Speech
Congressman Jim McGovern – H.J. Res 88, The People's Rights Amendment

Local, State and Congressional Resolutions in support of Constitutional Amendments to reverse *CU v FEC* in process in 23 states.

Bi-partisan Support for a Constitutional Amendment: 79% overall

- Almost 4 out of 5 Americans
- 87% of Democrats
- 82 % of Independents
- 68% of Republicans

11 State Attorneys General, including from Mass., have written a letter to the Leadership of the House and Senate urging them to amend the Constitution to reverse the Supreme Court's decision in *Citizens United*

Sources for Data: Legislation, Organizations & Citizen Movements

FreeSpeechforPeople.org
MovetoAmend.org
Democracyisforpeople.org
UnitedRepublic.org
CitizensAmendment.org
Realclearpolitics.org
GettheDoughOut.org

PeoplesRightsAmendment.org
CommonCause.org
GreaterBostonCoffeeParty
NationofChange.org
OpenSecrets.org
ReclaimDemocracy.org
United4thePeople.org