

Written

GAE Committee Hearing on H.J. Resolution 3 Monday, March 18th, 2013

Testimony by Doug Sutherland

HJ3

Chairman Musto and Chairman Jutila, and distinguished members of the Government Administration and Elections Committee, I want to thank you for holding this hearing on a subject that goes to the core of our democracy. In 2010, when the Supreme Court handed down its decision in Citizens United v. FEC, the court swept away 100 years of legal precedent that had previously barred corporate spending in our elections. It ignored – and even denied – the corrupting influence that such money can have on our democratic process and it lent support to the outrageous notion that corporations are people – possessing the same rights as natural, human persons. This decision was a sad and stunning moment in the history of our great democracy and it threatens the very core of what makes us a great and enduring nation. This decision must not stand!

Our Founding Fathers must certainly be spinning in their graves. They created a republican democracy that, from the start, was intended to be a government of, for and by We the People – human people. All the people: rich and poor, strong and weak. It was not designed to be ruled by the wealthy few and it was clearly not meant to be ruled by corporations – corporations, those artificial entities created by the laws of states and nations. The Citizens United decision endorsed the crazy notion that corporations have the same constitutional rights as living, breathing people. But corporations are not people. They have no soul and they have no moral compass. By definition, they have only one primary object: to make a profit. They have no concept of what is the “common good”. The employees and executives of a corporation have constitutional rights, but the corporation it self should not.

By lending support to the notion that a corporation has the same constitutional rights as natural people, we make regulating corporations almost impossible since constitutional rights trump regular laws. This puts we the actual people at risk, barring us from passing laws to protect the safety of the food we eat, the air we breath, and the water we drink. It makes it more difficult to enact laws to provide health care for our citizens or to protect their civil rights. In essence, giving corporations the same constitutional rights as people puts corporate profits ahead of the welfare of the people.

By equating corporate money with speech, we have turned our democratic elections into auctions. We inevitably end up not with the best government for the people, but the best government money can buy. Citizens United has brought on an explosion of money in our elections. By allowing unlimited corporate spending on elections and unlimited giving by individuals to so-called independent Super PAC, the amount of money spent last year on elections across the country was mindboggling. The entire 2012 election is estimated to have cost close to \$6 billion with almost \$1 billion coming from these independent organizations where disclosure of donors is not now required. The presidential races alone over the last two cycles have both topped \$2 billion in spending.

There is more money sloshing around the system today than ever before and yet we know less and less about who is donating this money. One thing that does seem clear, more and more of the money being spend to influence our elections is coming from a small group of very wealthy and powerful special interests. This is clearly not healthy for our democracy and it is clearly not what our Founding Fathers intended.

In order to return our elections and thereby our democracy back to We the People, we must overturn this terribly wrongheaded Supreme Court decision. States can try to pass legislation that will improve disclosure of campaign donations, but these will only improve the situation incrementally. What is needed is a constitutional amendment that restores the people's power to regulate spending on our elections and that clearly states that corporations are NOT people and that only natural persons possess constitutional rights.

Passing a constitutional amendment requires a 2/3rds vote in Congress and then it must be ratified by 3/4ths of the states. It is not an easy task, but it has been done 27 times before, seven times to overrule terrible decisions of the Supreme Court. States like Connecticut must step forward and let Congress know that our citizens demand a fix for this terrible Citizens United decision. Already 10 other states have either passed official resolutions or called on Congress to enact an amendment overturning Citizens United. Action is pending in 19 other states. The details on these state actions can be found here:

<http://freespeechforpeople.org/node/342>

Twenty-four senators have stepped up to say they will sponsor or support an amendment in the Senate. In the House, seventy-three representatives have pledged to sponsor or support an amendment. We are one quarter of the way to the votes

we need in Congress and in the states. It is time to add Connecticut's name to this list.

The website FreeSpeechforPeople.org has a template resolution called The People's Rights Resolution. The text of this resolution can be found here:

<http://www.freespeechforpeople.com/sites/default/files/The%20People%27s%20Rights%20Resolution%20112811.pdf>

I would strongly urge the committee to review this resolution and the actions already taken by other states and put forth a strong resolution calling on Congress to begin work on the 28th Amendment to correct the damage done to our democracy by the Supreme Court's Citizens United v. FEC decision. Each new election cycle that passes without such an amendment presents another opportunity for corporations to corrupt our system and steer our democracy towards the interests of the moneyed few and away from the common goals of We the People.

Thank you.

Doug Sutherland
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The People's Rights Resolution

WHEREAS, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not corporations;

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations;

WHEREAS, for the past three decades, a divided United States Supreme Court has erroneously transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate the people's laws;

WHEREAS, this corporate misuse of the First Amendment and Constitution has reached an extreme conclusion in the United States Supreme Court's ruling in *Citizens United v. Federal Election Commission*;

WHEREAS, *Citizens United v. Federal Election Commission* overturned longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections;

WHEREAS, *Citizens United v. Federal Election Commission* unleashes a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, *Citizens United v. Federal Election Commission* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections;

WHEREAS, *Citizens United v. Federal Election Commission* presents a serious and direct threat to our republican democracy;

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20th Century, and including to reverse seven erroneous Supreme Court decisions.

NOW THEREFORE BE IT RESOLVED THAT WE CALL UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO REVERSE CITIZEN UNITED V. FEDERAL ELECTION COMMISSION AND TO RESTORE CONSTITUTIONAL RIGHTS AND FAIR ELECTIONS TO THE PEOPLE.

By the People of _____