



A Constitutional Amendment to Keep Corporate Cash Out of Elections: Good for the Environment, Good for Democracy

On January 21, 2010, the U.S. Supreme Court unleashed a flood of corporate money into our political system by ruling that, contrary to longstanding precedent, corporations have a first amendment right to spend unlimited amounts of money to promote or defeat candidates. The decision in this historic case – *Citizens United v. Federal Election Commission* – overturned a century of campaign finance law and stands to deal a devastating blow to our democracy unless we act.

Democracy and the Environment at Risk: Corporate Polluters Now Have a Blank Check

This disastrous decision is particularly likely to have devastating effects on the environment. It's an open secret that corporate polluters dole out campaign contributions expecting lawmakers will repay them once in office by supporting lax environmental regulations and subsidizing dangerous industry practices. The past few years have already seen the results of outsized influence from corporate polluters – a climate bill weakened by loopholes and then stalled by lawmakers in league with the fossil fuel industry; delays and backtracking from the White House on vital clean air regulations, and an onslaught of anti-regulatory measures pushed by a Congress that seeks not just to weaken, but gut basic safeguards for people's health and the environment.

Now, these same corporate polluters have virtually a **blank check** to spend **unlimited amounts** from corporate coffers to protect their bottom lines – at the expense of all of us and the planet.

Dirty Industry Money in Politics Threatens Environmental Protections

- **Handouts to Fossil Fuel Giants:** Current members of Congress have accepted over \$25 million in campaign contributions from the oil, coal, and gas industries. In March 2011, an attempt by Rep. Keating (D-MA) to remove massive subsidies and tax breaks for the oil and gas industry was defeated. **Representatives who voted against the measure received on average 2.7 times more "dirty energy money" in the last election cycle than those who voted in favor of it.**
- **Blocking Action on Global Warming:** In an April 7, 2011 vote on a bill to prevent the EPA from regulating greenhouse gases, those lawmakers voting in favor received over **five times as much money from the dirty energy sector than those opposed**. The bill passed the house 236-172.¹
- **Subsidizing pollution:** Agribusiness giants have successfully used their political influence to limit or weaken regulation of pesticides and wastes that pollute our water and air, while seeking government subsidies – such as those in the Farm Bill – that perpetuate these harmful practices.²

- In the 2010 election cycle, **candidates received over \$45 million from agribusiness.**³
- **A recent study by Common Cause found that** natural gas interests have spent more than \$747 million during a 10-year campaign – stunningly successful so far – to avoid government regulation of hydraulic “fracking,” a fast-growing and environmentally risky process to tap underground gas reserves. Over the past decade, the fracking industry spent \$726 million on lobbying and gave \$20.5 million to current members of Congress. In the aftermath of *Citizens United*, these corporations are able to spend unlimited funds on electioneering, often in secret, on top of their prior efforts.⁴

Americans are Outraged by the Court’s Ruling

- A Washington Post-ABC News poll shows that eight in 10 respondents oppose the court’s decision in *Citizens United*.⁵
- A Survey USA poll found that 78 percent of respondents thought corporations should be limited in the amount they are allowed to spend to influence elections. 70 percent said they already believe corporations have too much influence over elections.⁶
- Several polls show a strong desire on the part of voters for full disclosure of corporate money in politics; however, according to a Hart Research Associated poll, 62 percent said disclosure is not enough.⁷

Since *Citizens United*, Corporate Expenditures Have Soared

- Spending by outside groups rose 427% in the 2010 election cycle, reaching \$294.2 million.⁸
- \$15.5 million of corporate cash went to “Super PACs” during the year following the decision.⁹
- Companies with interests in the energy sector accounted for more than 36 percent of all corporate donations to Super PACs.¹⁰
- Big Ag was also a key source of contributions to Super PACs. For examples, Dixie Rice Agricultural Corporation donated one million dollars to the Super PAC American Crossroads, a conservative group led by former Bush campaign “architect” Karl Rove.¹¹ In turn, American Crossroads spent close to \$17 million dollars opposing Democratic candidates in 2010.¹² Nearly half of all outside groups that spent money in the 2010 election cycle failed to provide information about the sources of their funds prior to the elections.¹³

The Path Forward

Interim solutions, such as increasing public campaign financing, requiring disclosure of political donations and investor approval of political expenditures, may offer some relief. However, the political landscape has fundamentally shifted. Congress cannot overturn the decision through legislation alone. Legal remedies are few. Even the most dedicated environmental champions in office are likely to be outspent by corporate polluters and their political allies. We cannot go back to how things were before – ***we must move forward.***

It's Time for a Constitutional Amendment

A constitutional amendment is ultimately the long-term solution we must pursue in order to fully reverse the Court's decision, restore our rights and assert once and for all that democracy is for people, not corporations.

- Corporations are not people. They do not vote, and they should not be able to influence election outcomes. An amendment would make clear that corporations do not have the same First Amendment rights as people and the press, and cannot rely on the Constitution to distort our democracy by spending unlimited funds on elections.
- A constitutional amendment is ultimately the only way to finally overcome the profound challenges to our democracy posed by the *Citizens United* decision. Along with other organizations, Public Citizen is calling on Congress to propose a constitutional amendment to the states clarifying that the First Amendment does not give corporations the same protection as living, breathing citizens.
- Support is growing quickly. So far, more than 750,000 people have expressed their support for an amendment.

Passing a constitutional amendment is not an insurmountable challenge. It is our best hope for ensuring that corporations don't use their pocketbooks to do irreparable damage to the environment.

Join our campaign to reclaim our democracy! Email Democracy Is For People Senior Organizer Aquene Freechild, at afreechild@citizen.org or call 202-588-1000.

¹ Oil Change International (2011, April). "Key Findings: U.S. Congress: Awash with Dirty Energy Money." Retrieved 14 November 2011, from http://dirtyenergymoney.com/key_findings.php.

² Sustainable Table. "Policy and Legislation." Retrieved 15 September, 2011, from <http://www.sustainabletable.org/issues/policy/>.

³ Center for Responsive Politics (2011). "Agribusiness: Money to Congress." Retrieved 15 September, 2011, from <http://www.opensecrets.org/industries/summary.php?ind=A&recipdetail=A&sortorder=U&cycle=2010>.

⁴ Browning, James and Pat Clifford. *Deep Drilling, Deep Pockets, In Congress & Ohio*. Retrieved 14 November 2011, from <http://www.commoncause.org/atf/cf/%7BF83C17E2-CDD1-4DF6-92BE-BD4429893665%7D/Ohio--Deep%20Drilling%20Deep%20Pockets%20Nov%202011%202.pdf>.

⁵ Eggen, D. (2010, 17 February, 15 September, 2011). "Poll: Large majority opposes Supreme Court's decision on campaign financing." *Washington Post*. Retrieved 15 September, 2011, from <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/17/AR2010021701151.html>.

⁶ As cited in Congress Watch (2011, January). "12 Months After: The Effects of *Citizens United* on Elections and the Integrity of the Legislative Process."

⁷ Hart Research Associates (2010, June). "Protecting Democracy From Unlimited Corporate Spending." Retrieved 15 September 2011, from <http://www.pfaw.org/sites/default/files/CitUPoll-PFAW.pdf>.

⁸ Public Citizen's analysis of Federal Election Commission (FEC) data. See Congress Watch (2011, January). "12 Months After: The Effects of *Citizens United* on Elections and the Integrity of the Legislative Process." Retrieved 15 September 2011, 2011, from <http://www.citizen.org/documents/Citizens-United-20110113.pdf>.

⁹ Beckel, M. (2011, March). "Influx of Corporate Political Cash Followed Pivotal Federal Court Decision." Retrieved 15 September, 2011, from <http://www.opensecrets.org/news/2011/03/influx-of-corporate-political-cash.html>.

¹⁰ Ibid.

¹¹ Ibid.

¹² <http://www.opensecrets.org/outsidespending/detail.php?cmte=American+Crossroads&cycle=2010>

¹³ See note 1.