

Why GOP State Leaders Should Support A Constitutional Amendment To Overturn Citizens United

Posted By [Sen. Alan Simpson](#) On 3:47 PM 09/29/2015

To Republican state legislators across the country:

On January 21, 2010, in *Citizens United v. Federal Election Commission*, the U.S. Supreme Court unleashed a veritable flood of money into our political system by ruling that, contrary to longstanding precedent, unions and corporations may spend unlimited amounts of money to promote or defeat candidates.

The ruling also led to the rise of SuperPACs in our elections and unlimited spending from wealthy individuals. A recent assessment shows how substantial the impact of the ruling has been on our current presidential election, with fewer than 400 families being responsible for almost half the money raised so far in the 2016 presidential campaign.

In the wake of the *Citizen United* ruling more than five years ago, millions of Americans across the political spectrum have mobilized in support of a constitutional amendment that would overturn that ruling and restore republican democracy to the people. People across the nation, regardless of their political affiliation, are making clear that corporations or unions should not be able to spend internal funds to influence elections. The First Amendment was crafted for exercise by individual persons – and it was never imagined there would be such a concept as corporate or union “personhood.”

Moreover, large majorities of voters across the political spectrum oppose allowing wealthy individuals to make unlimited expenditures that drown out the voices of ordinary citizens. More than 100 Republican officials since the Citizen United ruling have joined the call for a constitutional amendment that would end our current system of unlimited campaign spending. Most of those officials have done so by voting for resolutions in their state legislatures calling for such an amendment.

Further, public opinion research has long indicated robust popular support for an amendment, across party lines. For example, a 2010/2011 Peter Hart poll found that 79 percent of Americans, including 68 percent of Republicans, 82 percent of independents, and 87 percent of Democrats support such an amendment. A 2012 Associated Press poll found that 83 percent of Americans, including 81 percent of Republicans, 78 percent of independents, and 85 percent of Democrats believe “there should be limits on the amount of money corporations, unions, and other organizations can contribute to outside organizations trying to influence campaigns for President, Senate, and U.S. House.” And, a 2014 Lake Research Partners survey found that Republicans oppose the *Citizens United* ruling by a 2-1 margin.

The best poll, of course, is an actual vote of the people, such as the statewide votes

held in November 2012 in Colorado and Montana on ballot questions calling for a constitutional amendment. Both votes demonstrated similarly strong support: 74 percent of Coloradans approved Amendment 65; Montanans approved Initiative 166, also by 74 percent, while simultaneously backing Mitt Romney for President by a margin of more than 10 points.

In addition, more than 2000 business leaders throughout the nation have joined in support of an amendment. They understand that a political system which allows the largest corporations in our country to exercise disproportionate influence over our public policy stifles competition in the marketplace and harms our economy.

No one has a First Amendment right to drown out other people's speech. The Supreme Court stated this clearly in its 1949 case in *Kovacs v. Cooper*. In *Kovacs*, a union in the city of Trenton was blaring its message with a sound truck going down every street. In response, the city passed an ordinance requiring that sound trucks could only go down every third street. The Supreme Court upheld the ordinance as a reasonable regulation on the manner of speech. It found that public streets served other public purposes that needed to be protected and, as Justice Jackson wrote in his concurrence, "freedom of speech for Kovacs does not ... include freedom to use sound amplifiers to drown out the natural speech of others."

As James Madison wrote in The Federalist Papers No. 57:

Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States.

I never take lightly proposals to amend our Constitution, and I recognize, as did James Madison, that we should do so only on "great and extraordinary occasions." I believe the nation now faces such an occasion.

I urge you to support the call for a 28th Amendment to the Constitution that restores that fundamental promise of our Republic: government of, by, and for the people.

Respectfully and sincerely,

Alan K. Simpson

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