

June 18, 2013

The Hon. Tom Udall  
United States Senate  
110 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Udall,

On behalf of Free Speech For People, we write to endorse your important new constitutional amendment bill to overturn the US Supreme Court's rulings in *Citizens United v. FEC* and *Buckley v. Valeo* and to restore the authority of Congress and the States to set overall limits on campaign spending in our elections.

[Free Speech For People](#) is national campaign launched on the day of the *Citizens United* ruling to challenge the misuse of corporate power and to restore republican democracy to the people. We have helped to catalyze and lead the growing movement across the country to amend the U.S. Constitution to overturn *Citizens United*, *Buckley v. Valeo*, and the fabrication of corporate constitutional rights. We also engage in legal advocacy and corporate charter reform to advance further the work of ensuring that people, not corporations, shall govern in America.

The Supreme Court's 5-4 ruling in *Citizens United* – holding that corporations have the same free speech rights as people in the political process and may engage in unlimited political expenditures using corporate general treasury funds – presents a serious and direct threat to the integrity of our political process. The ruling, which swept away a century of precedent barring corporate spending in political campaigns, makes our campaign finance system exponentially worse with an ever-increasing dominance of big money interests in our elections.

As you know, in its 1976 ruling in *Buckley v. Valeo*, the Supreme Court equated money with speech and sanctioned today's system of unlimited campaign spending. The Court struck down campaign spending limits passed by Congress in the wake of the Watergate scandal. In doing so, the Court set us on the course we face today where powerful wealthy interests are able to drown out the voices of ordinary citizens in our political process.

The U.S. Court of Appeals for the D.C. Circuit in *Buckley* had upheld the campaign spending limits that Congress enacted in 1974. Writing for the majority, D.C. Circuit Judge J. Skelly Wright held that the government had “a clear and compelling interest in safeguarding the integrity of elections and avoiding the undue influence of wealth.” The court continued:

*It would be strange indeed if, by extrapolation outward from the basic rights of individuals, the wealthy few could claim a constitutional guarantee to a stronger political voice than the unwealthy many because they are able to give and spend more money, and because the amounts they give and spend cannot be limited.*

*Buckley v. Valeo*, 519 F. 2d 821, 841 (D.C. Cir. 1975).

Your constitutional amendment bill would help advance the fundamental promise of political equality for all. With the authority restored to establish limits on campaign expenditures, Congress and the States would be able to level the playing field in our elections, helping to ensure that the wealthy few no longer have a disproportionate influence on electoral outcomes and on the law-making process.

Since the *Citizens United* ruling, people across this country have been mobilizing in support of a constitutional amendment to reclaim our democracy. As of this writing, fifteen states have gone on record calling for an amendment. Nearly 500 similar resolutions have passed in cities and towns throughout the nation. Eleven state attorneys general have joined the call. More than 2000 business leaders are now on board. One hundred twenty-nine Representatives and Senators have endorsed the call an amendment. And, the President of the United States has said he supports an amendment.

The opposition to *Citizens United* and determination to overturn it cuts across all partisan lines: 82% of Independents, 68% of Republicans, and 87% of Democrats support a constitutional amendment to overturn the ruling ([January 2011, Hart Research Associates survey conducted for Free Speech For People](#)) and [83% of Americans support overall limits](#) on campaign spending in elections.

The transpartisan appeal of this movement is further demonstrated by the growing number of Republican officials who support a constitutional amendment. [As our recent report, "Across the Aisle," documented](#), more than 100 Republican officials at the federal and state level are now on record calling for an amendment.

We recognize, as did James Madison, that we should only amend the U.S. Constitution on "great and extraordinary occasions." We are presented today with such an occasion.

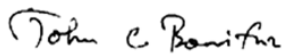
Where such occasions arise, the American people have always used the amendment process to protect our democracy. Indeed, most of the seventeen amendments adopted since the original Bill of Rights have corrected what the American people understood were obstacles to the equal right of all people to participate in self-government on equal terms. The 13<sup>th</sup> Amendment ended slavery, the 14<sup>th</sup> guaranteed liberty, due process and equal protection of all, and the 15<sup>th</sup> guaranteed the right to vote could not be abridged on account of race. With the 17<sup>th</sup> Amendment (1913), the people took back the right to elect Senators, who previously were elected by the state legislatures. With the 19<sup>th</sup> Amendment, the people guaranteed the right of women to vote, overruling the Supreme

Court's view that equal protection of all persons under the 14<sup>th</sup> amendment did not provide equal voting rights for women. The 24<sup>th</sup> Amendment was adopted in 1964 to eliminate the poll tax, which was used to block poor people, often African Americans, from voting. The 26<sup>th</sup> Amendment in 1971 ensured that the right to vote included men and women age 18 and older.

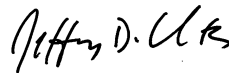
Today, we are at another crossroads, and the nation faces one of its gravest tests. Your introduction of your constitutional amendment bill is critical to the defense of our republican democracy. Combined with Senator Jon Tester's amendment bill to make clear that corporations are not people with constitutional rights and with Congressman Jim McGovern's companion amendment bills in the U.S. House of Representatives, your amendment bill will help preserve our Republic.

Thank you for your outstanding leadership. We look forward to working with you on this fundamental question of our time.

Sincerely,



John C. Bonifaz  
Co-Founder and Executive Director



Jeffrey D. Clements  
Co-Founder and President