

Presenting a Town Meeting Resolution for a Constitutional Amendment

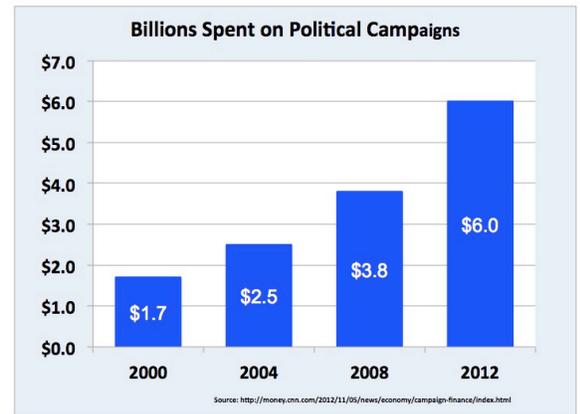
By Paul Lauenstein

A volunteer in Sharon, Massachusetts

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In 2010, the Supreme Court decided that a Federal Election Commission ruling against political spending by a political action committee called Citizens United was unconstitutional. The basis for this decision was the Court's opinion that artificial entities such as corporations, unions and political action committees have the same Constitutional rights as people, and that independent political spending by these organizations is a form of free speech guaranteed by the First Amendment.

As this graph shows, spending in Presidential and Congressional elections has more than tripled since 2000.* The Supreme Court's Citizens United decision accelerated this trend. Because the Supreme Court's interpretation of the Constitution bars any limits on independent political spending by special interest organizations, there is not much we can do about it.



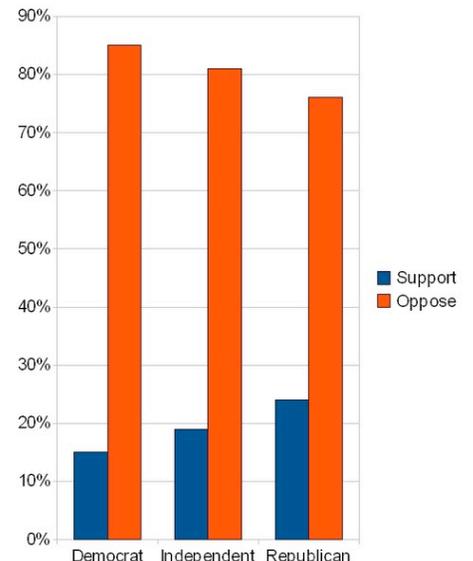
Imagine what it's like to be an elected official. Every time you take a position on an issue, you must choose between the best interests of the general public, or the special interests of political action committees. If you ignore these special interests, you are likely to face an avalanche of attack ads in the next election.

Negative political advertising undermines public confidence in our elected leaders. It also deters qualified candidates from running for office. Both of these factors undermine the ability of our democracy to deal effectively with the serious problems we face.

If we want to restore a democracy that can actually solve our problems, we must amend the Constitution to establish first, that **only** people are entitled to the rights guaranteed by the Constitution, and second, that election spending is **not** a form of speech protected by the First Amendment.

This is a non-partisan issue that has broad support across the political spectrum. Polls show that over 70% of Republicans and over 80% of Democrats support a Constitutional amendment that would allow limits on election spending**.

In the 2012 election, voters in Montana and Colorado called for such an amendment by an overwhelming, 3-to-1 margin. These major bipartisan victories brought the total number of states calling for a Constitutional amendment to 11 (California, Colorado, Connecticut, Hawaii, Massachusetts, Maryland, Montana, New Jersey, New Mexico, Rhode Island, and Vermont).



Nearly 500 cities, towns, and counties nationwide have already passed local resolutions calling for a Constitutional amendment to reverse the Citizens United v. FEC decision, in order to enable campaign finance reform and reduce the corrupting influence of money in politics. Hopefully, our town will add its voice to this chorus.

We The People, through our elected representatives, should be free to determine the character of the democracy that governs our daily lives, and for which many have made the ultimate sacrifice. The Supreme Court's decision to bar limitations on independent election spending undermines that freedom. It gives special interests the right to spend unlimited sums of money to influence elections, fundamentally corrupting the nature of our democracy. The proposed Constitutional amendment would free our elected officials to place limits on election spending in order to give real people a more equal voice in our democracy.

A 28th Amendment would help restore the kind of government of the people, by the people, and for the people envisioned by the framers of the Constitution, who themselves worried about the threat to our democracy posed by powerful special interests. As Thomas Jefferson put it, "I hope we shall crush in its birth the aristocracy of our monied corporations, which dare already to challenge our government to a trial by strength, and bid defiance to the laws of our country."

Why is this issue appropriate for our Town Meeting?

Spending by special interests can affect local elections as well as federal and state elections, and granting First Amendment rights to corporations can affect municipalities in other ways. For example, in Worcester, Massachusetts about 20% of the population are smokers. That's a lot higher than the national average of 14%. To address this problem, the Worcester City Council banned all signs advertising tobacco products that are visible from the street. The tobacco industry sued, and a federal district court judge struck down the ban, saying that it infringed the First Amendment rights of the tobacco companies.

Town Meeting is an ideal forum for local voters to participate in the debate about the nature of our democracy. Our elected leaders pass laws that affect our daily lives. They should vote for our best interests, not special interests. If we cannot spare a few minutes for democracy at Town Meeting, we should not complain about the government we get.

We must regain the ability to limit the flood of cash that is distorting our democracy. Please vote for this resolution, and send a message to the Supreme Court and the nation of which we are a part, that we here in Sharon support a government of the people, by the people and for the people.

* See: <http://money.cnn.com/2012/11/05/news/economy/campaign-finance/index.html>

** See: http://en.wikipedia.org/wiki/Citizens_United_v._Federal_Election_Commission (scroll down to "Opinion polls").

For more on this, see the 9-minute video "The Story of Citizens United v. FEC" at: <http://www.storyofstuff.org/movies-all/story-of-citizens-united-v-fec/>