

Legal background

- In 1976, the Supreme Court decided that wealthy donors have the constitutional right to spend money to influence elections—it's their "freedom of speech" under the First Amendment.
- The court case *Citizens United* built off this, saying that corporations had the same First Amendment rights as people.
- *Citizens United* is only one of a series of Supreme Court decisions giving corporations some of the same rights as people. Corporations are now using these "rights" to challenge public protections.
- As a result, the U.S. doesn't have true political equality (an equal voice in politics for everyone). Instead, big donors and wealthy companies have the loudest voice in politics.

"So many conversations in politics require money just to get to the table - like donations to politicians or buy-in to be part of a coalition. Requiring these costs to have a voice often prohibits trans folks and trans rights from being heard."

- Mason Dunn, Executive Director, Massachusetts Trans Political Coalition

The impact of big money in politics and corporate rights

- **Limits who can run for office //** To run for office today, you need to have money, know someone with money, or be willing to represent interests that will fund a campaign.ⁱ Because of these institutional barriers, the LGBTQ community, communities of color, low-income communities, and other marginalized groups are significantly less likely to be represented in office.ⁱⁱ
- **Limits policies //** Politicians who get enough money to win office tend to represent the policy interests of the wealthy funders to whom they are beholden, not the middle class or everyday people.ⁱⁱⁱ This also means that the views of queer and trans people – especially queer and trans people of color – aren't heard.
- **Lessens the power of the people //** When only the wealthy are heard in politics, the voices and ideas of everyone else get drowned out. This is not democracy.
- **Weakens LGBTQ protections //** Even when anti-discrimination bills are passed requiring corporations to treat LGBTQ people equally, corporations can and do invalidate these protections by challenging them in court as violating the corporation's "first amendment" rights.

Making change

- **Increase political equality //** Everyone deserves an equal say in politics. Fighting to end *Citizens United* and get big money out of politics will ensure that everyone has an equal voice.
- **Increase accountability //** Overturning *Citizens United* would allow the public to pass common sense reforms at the local, state, and federal levels to limit the influence of big money and corporations.
- **Increase civic participation //** When people trust our electoral system, people are more likely to vote.^{iv}

Why is a constitutional amendment the best solution?

- **Congress can't fix our democracy //** The Supreme Court overturned Congress' bipartisan campaign finance rules. The best way to change the Supreme Court decision is through a constitutional amendment.
- **The Supreme Court won't fix our democracy soon //** The President recently appointed Neil Gorsuch to the Supreme Court – based on his previous court decisions, Gorsuch seems to support money in politics and may make it more difficult to enact protections for everyday people.^v
- **Supreme Court decisions are not permanent //** Even if the Supreme Court does overturn *Citizens United*, who is to say things wouldn't change again when the court makeup changes? Amendments are permanent.
- **A grassroots, citizen-centered approach is best //** Everyday people know best what their communities need and what should be included in an amendment to get big money out of politics and to promote equality.^{vi}

Examples of amendments

- Passing an amendment is hard, but possible. Over the last century the U.S. has passed 10 constitutional amendments (about one per decade). It's our time for a new amendment. History shows that when everyday people engage, amendments expanding democracy pass.
 - 19th amendment – women fought for decades to get basic rights, including the right to vote.^{vii}
 - 24th amendment – when the Supreme Court decided to allow poll taxes to continue, despite evidence that they prevented people of color from voting, civil rights activists successfully pushed for an amendment overturning that Supreme Court decision.^{viii}
 - 26th amendment – bipartisan youth advocated heavily for lowering the voting age to 18 years.^{ix}

We can do it

- Eighteen states and 700 communities have already joined the movement to pass a resolution to overturn *Citizens United*. More states join with every election. This is a bipartisan effort with popular support.

Thinking about the role of money in American political campaigns today, do you think money has too much influence, too little influence or is it about right?

