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## **COALITION OF BUSINESS GROUPS JOINS FREE SPEECH FOR PEOPLE IN DEFENSE OF MONTANA'S BAN ON CORPORATE MONEY IN ELECTIONS**

### **CASE MARKS FIRST DIRECT CHALLENGE TO US SUPREME COURT'S JANUARY 2010 DECISION IN *CITIZENS UNITED v. FEC***

#### **Led by National Campaign to Overturn Citizens United Ruling, Coalition Files Brief Before the Montana Supreme Court**

HELENA, MONTANA -- A coalition that includes two national business networks and two local Montana businesses joined the State of Montana today in defense of its century-old ban on corporate money in elections. Montana's 1912 Corrupt Practices Act is under legal attack following the US Supreme Court's January 2010 decision in *Citizens United v. FEC*, which equated corporations with people under the First Amendment and swept away longstanding precedent that had barred corporate expenditures in federal elections.

Led by Free Speech For People, a national campaign to overturn the *Citizens United* ruling, the coalition filed a friend-of-the-court brief today before the Montana Supreme Court in the case of *Western Tradition Partnership, Inc. v. State of Montana*. In October 2010, a state judge hearing the case in Helena, Montana, struck down Montana's Corrupt Practices Act, applying the US Supreme Court's decision in *Citizens United*. Montana Attorney General Steve Bullock has appealed that judge's opinion to the state's highest court. The case presents the first direct challenge to the *Citizens United* ruling.

"The 5-4 decision in *Citizens United v. Federal Election Commission*," the coalition's brief states, "was an extreme extension of an erroneous corporate rights doctrine that has eroded the First Amendment and the Constitution for the past 30 years." The ruling, the brief continues, "is contrary not only to our republican principles of government, but also to American principles of free and fair commerce among free people and the States."

"Corporations are not people," says Jeff Clements, the co-founder and general counsel for Free Speech For People and the author of the coalition's brief. "The Framers understood that. The First Amendment and the Constitution is for people. We are proud to stand today with the State of Montana to vindicate the Framers' intent and to defend our democracy."

“Montana has the right and the duty to defend its laws against Beltway-based corporate front groups,” says Jeff Milchen, co-founder of the Bozeman, MT - based American Independent Business Alliance. “Butte, Libby and other Montana communities are still recovering from the ravages of large corporations whose political power allowed them to profit at the expense of Montanans’ health and our environment. Overturning our essential protections for election integrity would invite even more harm while allowing out-of-state corporations to gain political favors that undermine Montana entrepreneurs.”

“All businesses must ask ourselves: Are our goals furthered by pay-to-play elections where precious capital is diverted to politics, or should we focus on our business and the benefits that we bring to the local and national economy? Montana’s ban on corporate spending should be applauded as a national model. A decision to overturn this decision will substantially increase the over-dominance of corporate influence in politics—both in determining who gets elected and how they make decisions once they are in office,” says David Levine, executive director of the American Sustainable Business Council.

The coalition’s brief argues that the Montana Supreme Court should uphold Montana’s Corrupt Practices Act, at least until the US Supreme Court decides whether to extend the corporate rights doctrine of *Citizens United* to the States.

In addition to Free Speech For People, other signatories to the brief include the American Sustainable Business Council, representing a network of more than 70,000 businesses across the country; the American Independent Business Alliance, based in Bozeman, Montana; Mike’s Thriftway, a supermarket business in Chester, Montana; and Home Resource Center, Inc., a non-profit Montana corporation operating a building materials and re-use center in Missoula, Montana.

Jonathan Motl of Morrison, Motl & Sherwood in Helena, Montana, serves as co-counsel with Jeff Clements on the brief.

Launched on the day of the *Citizens United* ruling, Free Speech For People is a national non-partisan campaign challenging the fabrication of corporate rights under the US Constitution and pressing for a constitutional amendment to ensure that people, not corporations, govern in America.

The coalition’s brief can be accessed here:

<http://freespeechforpeople.org/sites/default/files/FSFPAmicusBrief.pdf>

To learn more about Free Speech For People, visit [www.freespeechforpeople.org](http://www.freespeechforpeople.org).

To learn more about the American Sustainable Business Council and the Business For Democracy Campaign, visit [www.businessfordemocracy.com](http://www.businessfordemocracy.com).

To learn more about the American Independent Business Alliance, visit [www.amiba.net](http://www.amiba.net).