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DATE: April 26, 2012

FOR RELEASE: Immediate

**FREE SPEECH FOR PEOPLE AND BUSINESS GROUPS URGE
US SUPREME COURT TO REVERSE CITIZENS UNITED**

**MONTANA'S BAN ON CORPORATE MONEY IN ELECTIONS PRESENTS
FIRST DIRECT CHALLENGE TO 2010 RULING**

Amicus Brief Filed Before the Supreme Court

WASHINGTON, DC -- A coalition that includes two national business networks and a local Montana business filed a brief today before the United States Supreme Court urging it to revisit and reverse its ruling in *Citizens United v. FEC*.

The 2010 ruling faces its first direct challenge in a case dealing with Montana's century-old ban on corporate political expenditures. In late December, the Montana Supreme Court upheld Montana's 1912 Corrupt Practices Act in *American Tradition Partnership, Inc. v. Bullock*, setting the stage for this new test case before the US Supreme Court.

The coalition is led by Free Speech For People, a national campaign to overturn *Citizens United*. Other signatories to the brief include the American Sustainable Business Council, representing a network of more than 100,000 businesses across the country; the American Independent Business Alliance, based in Bozeman, Montana; and Mike's Thriftway, a supermarket business in Chester, Montana.

The brief argues that the facts which have developed in the two years since the *Citizens United* decision demonstrate that the Court was wrong in ruling that unlimited corporate spending in our elections would not present a threat of corruption or the appearance of corruption. The brief also argues that corporations should not be treated as people with constitutional rights and that the government's interest in preventing corporate and wealthy donors from drowning out the voices of ordinary citizens justifies restrictions on election expenditures, such as the ban in the Montana Corrupt Practices Act.

"By granting corporations a constitutional right to spend unlimited corporate funds on elections, at the expense of the people's right to prevent the resulting corruption and distortion of our electoral process, the *Citizens United* ruling undermines First Amendment values and the integrity of our republican democracy itself," says Ben Clements, the author of the coalition's brief. Clements, a Board member of Free Speech For People, is a former federal prosecutor, former chief counsel to Massachusetts Governor Deval Patrick, and a founding partner of the Boston law firm of Clements & Pineault. "The US Supreme Court should accept the Montana case for review on its merits and should use this opportunity to revisit and reverse *Citizens United*," Clements added.

On February 17, 2012, the US Supreme Court issued a stay of the Montana Supreme Court's ruling, thereby preventing the continued enforcement of the state's Corrupt Practices Act and allowing, for the first time in 100 years, corporate spending in Montana elections. In an unusual statement accompanying

the stay order, Supreme Court Justices Ruth Bader Ginsburg and Stephen Breyer urged their fellow Justices to reconsider *Citizens United* via the Montana case.

“Montana’s experience, and experience elsewhere since this Court’s decision in *Citizens United v. Federal Election Commission*, make it exceedingly difficult to maintain that independent expenditures by corporations ‘do not give rise to corruption or the appearance of corruption,’” Justice Ginsburg wrote, joined by Justice Breyer. The Montana case, the Justices continued, “will give the Court an opportunity to consider whether, in light of the huge sums currently deployed to buy candidates’ allegiance, *Citizens United* should continue to hold sway.”

“All businesses must ask the question: 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. The US Supreme Court should recognize it as such and should reverse the damage caused to our democracy by the *Citizens United* ruling,” says David Levine, CEO of the American Sustainable Business Council.

“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.”

Joining Ben Clements as co-counsel on the coalition’s friend-of-the-court brief are Hofstra University law professor Daniel Greenwood; Jeff Clements, the co-founder and president of Free Speech For People and author of the new book, [Corporations Are Not People](#); and John Bonifaz, the co-founder and executive director of Free Speech For People.

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 seeking to ensure that people, not corporations, govern in America.

The coalition’s brief can be accessed here: http://www.freespeechforpeople.com/sites/default/files/MT_Amicus_Brief.pdf

To learn more about Free Speech For People, visit www.freespeechforpeople.org.