

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
On S.J. Res. 19 – A Constitutional Amendment Relating to Contributions and
Expenditures Intended to Affect Elections
July 10, 2014**

We will now turn to consideration of Senate Joint Resolution 19, a constitutional amendment proposed by Senator Tom Udall that would restore reasonable limits on financial contributions and expenditures intended to influence elections. This amendment addresses a series of flawed Supreme Court decisions that have eviscerated our campaign finance laws, allowing the money of wealthy individuals and special interests to drown out the voices of average Americans.

Our Nation was founded on the principle that *all* Americans have the right to participate in our government, and have their voices heard. Our country has flourished because we have worked hard to ensure that *more*, not fewer, Americans can take part in the democratic process. That is why commonsense campaign finance laws are so vital in protecting our democratic institutions. Congress passed these laws to help preserve the integrity of the electoral process, to prevent and deter corruption, and to limit the undue influence of wealthy individuals and special interests in our elections.

In the last few years, however, the slimmest majority on the Supreme Court has overturned these reasonable and time-honored protections in our campaign finance laws through their rulings in *Citizens United* and *McCutcheon*. The Court has twisted the meaning of the First Amendment to protect money as if it were speech. But as Justice Stevens recently said in his testimony before the Senate Rules Committee, “while money is used to finance speech, money is not speech. Speech is only one of the activities that are financed by campaign contributions and expenditures. Those financial activities should not receive the same constitutional protection as speech itself.”

The Supreme Court has opened the floodgates to billionaires who are now pouring vast amounts of unfettered and undisclosed dollars into political campaigns across the country. I agree with Justice John Paul Stevens who warned that the *Citizens United* decision “threatens to undermine the integrity of elected institutions across the Nation.” I have heard from many Vermonters who are concerned about how the Supreme Court’s decisions threaten the constitutional rights of hardworking Americans. I am proud that Vermont has been a leader in this country in speaking out loudly and forcefully about the devastating impact of these decisions.

Congress and the American people must now act to restore the First Amendment, and to preserve those protections that ensure that all voices can be heard in the democratic process.

The Constitution is the bedrock of our democracy, and it enshrines our Nation’s enduring principles of freedom, equality, and self-government. The Constitution has evolved through the amendment process to ensure a more representative – and a more inclusive – democracy. The 14th and 15th Amendments, for example, guaranteed equal protection of the law for all Americans, and ensured that all Americans have the right to vote regardless of their race. The 17th Amendment gave Americans the right to directly elect their representatives in Congress in

the wake of concerns that corporations were corrupting state legislatures to choose Senators beholden to them. The 19th Amendment's expansion of the right to vote to women and the 26th Amendment's extension of the vote to young people made ours an even more open and inclusive democracy.

I have served in the Senate for nearly 40 years and as Chairman of the Judiciary Committee for nearly ten. I have always believed that amending our Constitution must be subject to the highest measure of scrutiny. It is something that should only be done as a last resort. But when the voices of hardworking Americans continue to be drowned out by the moneyed few, and when legislative efforts to right this wrong are repeatedly filibustered by Republicans, more serious action must be taken.

That is why I intend to support advancing the resolution. I hope that citizens in Vermont and across the country will have an opportunity to cast their vote with respect to this proposal. The march toward "a more perfect Union" continues, and we must ensure that no voter's voice is muffled by the financial power of a few.

After hearing from the Ranking Member, I will turn first to Senator Durbin to speak about the amendment and then we will alternate speakers between majority and minority until everyone is heard.

#####