

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
United States Senate  
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Every American who has watched our elections or even tried to watch television over the last two and half years has seen the corrosive effects of the Supreme Court's decision in Citizens United. Few Supreme Court decisions in American history have had such a negative impact on our political process. That decision by five justices in Citizens United to overturn a century of law designed to protect our elections from the corruption of corporate spending turned on its head the idea of government of, by and for the people.

Nobody who has heard the barrage of negative advertisements from undisclosed and unaccountable sources can deny the impact of Citizens United. Nobody who has strained to hear the voices of the voters lost among the noise from SuperPACs can deny that by extending First Amendment "rights" in the political process to corporations, five justices put at risk the rights of individual Americans to speak to each other and, crucially, to be heard.

Last month, those same five justices doubled down on Citizens United when they summarily struck down a 100-year-old Montana state law barring corporate contributions. In doing so, they broke down the last public safeguards preventing corporate megaphones from drowning out the voices of American voters.

These Supreme Court decisions not only go against longstanding laws and legal precedents, but also against common sense. Corporations, quite simply, are not people. Corporations do not have the same rights, the same morals or the same interests. Corporations cannot vote in our democracy. They are artificial legal constructs meant to facilitate business. The Founders understood this. Vermonters and Americans across the country have long understood this. A narrow majority on the Supreme Court apparently does not.

Like most Vermonters, I strongly believe that this was a harmful decision that needs to be fixed. I have pressed to make fixing it a high priority of this Congress, and I will continue to work for remedies. I have sought legislative remedies, and the harm of this decision is so threatening to our system that I also believe constitutional remedies should be evaluated. That is why I held the first congressional hearing on that terrible decision after it was issued. That is why I have worked with Senator Whitehouse, Senator Schumer and others to craft legislation like the DISCLOSE Act that could immediately address some of the worst effects of Citizens United. And that is why I have worked with Senator Durbin, the Chairman of this subcommittee, to schedule today's hearing to look at proposals for fixing the damage done by Citizens United.

I thank Senator Durbin for holding this important hearing. He has been a leader not only on this issue, but also in shedding light on the renewed effort in many states to deny millions of Americans access to the ballot box through voter purges and voter ID laws. It is astonishing and troubling for our democracy to see efforts underway to restrict the right to vote for individuals Americans, while corporations are empowered through secret spending to control the outcome of our elections. We need to work to restore the right balance in our democracy to protect the form of government Americans have fought and died for, what President Lincoln called our

government of, by and for the people.

The path of American democracy over the last 236 years has been one toward greater inclusion and participation by all Americans. Yet a report released last week by the non-partisan Brennan center concluded that newly-enacted voter ID laws alone will burden up to 10 million voters. Pennsylvania's voter ID law, for example, could disenfranchise over 750,000 voters even though the state has told a court they have no evidence of in person voter fraud or even evidence it is likely to occur without their voter ID law. This Committee has received expert testimony that voter ID laws will disenfranchise African-Americans, Hispanics, military veterans, college students, the poor, and senior citizens. Many Americans associate barriers to voting with a dark time in our nation's history, when courageous and disenfranchised, yet resilient, citizens attacked by dogs, blasted with water hoses, and beaten by mobs simply for attempting to register to vote. I am not alone in noting the disturbing irony of the contrast between the concerted partisan push for voter ID in many states, and a fact which is in focus in this hearing: It is becoming increasingly difficult for ordinary, hardworking Americans to cast their votes, while billionaires suddenly are able to contribute at will to shape election results, without having to 'show any ID' at all.

We cannot return to a time when discriminatory devices were used to exclude American citizens from their democracy.

We also cannot back down from our efforts to ensure that the ability of Vermonters and all Americans to participate in our elections is not undercut by wealthy corporations dominating all mediums of advertising. The interests of the voters should control the outcomes in our elections, not the race for secret money and who can collect the largest amount of unaccountable, secret donations.

Addressing the effects of Citizens United should not be a partisan issue. It should be an issue for anybody who cares about our democracy. Regrettably that has not been the case and our efforts have been stymied so far. Just last week, Republicans denied the American people an open, public, and meaningful debate on the DISCLOSE Act, legislation that would restore transparency and accountability to campaign finance laws by ensuring that all Americans know who is paying for campaign ads. Despite a majority of support for this common sense legislation, Republicans continued their years-long filibuster of the DISCLOSE Act, refusing to even proceed to debate the bill in the Senate.

There is no reason a clear-cut reform like the DISCLOSE Act should not draw overwhelming bipartisan support. From the depths of the Watergate scandal forward, until only recently, the principle of disclosure was a bipartisan value. Despite the clear impact of unaccountable corporate campaign spending, a minority in the Senate consisting exclusively of Republicans continues to prevent passage of this important law.

Why have they worked so hard against this bill? Why, when so many Senators of both parties used to champion disclosure laws and supported knowing who is paying for campaign ads have they continued to prevent us from considering this remedial legislation - legislation that the conservative justices on the Supreme Court themselves endorsed and thought would follow after their disastrous opinion on Citizens United? Why, when the conservative Supreme Court justices made clear even in their Citizens United decision that disclosure laws are constitutional does the Senate Republican leadership insist on blocking this reform? Disclosure of who is paying for election ads should not be kept secret from the public. In a democracy, our ballots should be secret - not massive corporate campaign contributions.

When an individual donates money directly to a political candidate, our donation is not hidden. It

is publicly disclosed. Yet those who oppose the DISCLOSE Act are supporting special rights for corporations and wealthy donors to use SuperPACs to funnel secret, massive, non-disclosed donations to political campaigns. They are creating a special right to launder money through the use of loopholes opened up by Citizens United. Nobody has answered why those funding these SuperPAC 's should not be bound by the same disclosure rules for giving directly to campaigns. Public disclosure of donations to candidates has never chilled campaign funding, and has never prevented millions of Americans from participating freely and openly in our elections.

Vermont is a small state. It would not take more than a tiny fraction of the corporate money being spent in other states to outspend all of our local candidates combined. I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on Election Day. That is why more than 60 Vermont towns passed resolutions on Town Meeting Day calling for action to address Citizens United. Like all Vermonters, I cherish the voters ' role in the democratic process and am a staunch believer in the First Amendment. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by massive anonymous and corporate spending.

I look forward to hearing testimony from our witnesses today looking at how we can undo the damage caused by the Citizens United decision. I remain open to any remedy - including constitutional remedies - that can help us restore the right balance to our democracy and protect the right of every American to participate meaningfully in free and fair elections.

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