

Testimony of U.S. Senator Max Baucus, Montana

**Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights**

**Hearing on Taking Back Our Democracy: Responding to Citizens United and the Rise of
Super PACs**

July 24, 2012

President Franklin Delano Roosevelt once said, “The ultimate rulers of our democracy are not a President and Senators and Congressmen and government officials, but the voters of this country.”

I sit before you today on behalf of those voters – the nearly 1 million Montanans I work for, and over 1.7 million Americans we all serve who have signed a petition calling for a constitutional amendment this committee is considering today.

That’s right, 1.7 million signatures. And each one is a mother, a father, an employer, a veteran, a school teacher, an American we were sent here to serve.

As a Montanan, this issue is deeply personal to me.

At the top of our state capital building in Helena sits a beautiful copper dome. Nearly a century ago, that copper dome wasn’t just for decoration. It was a symbol of the copper barons and their ultimate power to decide who represented the people of Montana.

While miners risked their lives working thousands of feet below the earth, the copper kings lived high on the hog.

Corporations were literally buying elections.

In 1899 Copper Baron William Andrews Clark, bribed the state legislature into appointing him to serve here in the U.S Senate. The scandal led to the passage of the 17th Amendment to our constitution – the amendment that gave each one of us the honor of being elected to serve by the popular vote of the people of our states.

In his own defense, Clark is famously purported to have said, “I never bought a man who wasn’t for sale.”

So, the people of Montana responded with one voice loud and clear: ‘we are not for sale.’

Montanans took democracy into their own hands and passed laws to keep their elections off the market and in the hands of the people.

But today, in the latest aftermath of *Citizens United*, the Supreme Court has stuck down those very laws.

Once again, the essence of our democracy is being threatened. And once again a constitutional amendment is needed to restore balance and put the ultimate power back in the hands of the people.

In a 2012 poll, sixty-three percent of Americans said corporations and unions should not be able to spend unlimited amounts of money in elections. The people we work for believe that state and local governments should be able to respond to corruptive behavior.

The surest way to get at the heart of the Supreme Court ruling is a constitutional amendment.

In the Federalist Papers, James Madison noted that there would be circumstances when “useful alterations [to the Constitution] will be suggested by experience.”

Still this is a process that requires significant deliberation. It should. I do not take a proposal to amend the constitution lightly. I agree with James Madison that amending the Constitution should be done only on “great and extraordinary occasions.”

But I believe this is one of those occasions. And Congress owes it to the American people to fully study, discuss and debate the merits of a constitutional amendment.

My proposal for a Constitutional amendment will right the wrong of *Citizens United*. My amendment will restore Congress’ and States’ ability to regulate political spending by corporations and labor in elections. It will give states like Montana the power to once again say: ‘we are not for sale.’

It’s clear that action is needed to restore Americans’ faith in our political and electoral process. I urge my colleagues to join me in supporting this amendment.