

PLEDGE TO AMEND

A joint project of MOVI and MTA in Santa Clara County in support of an amendment to the U.S. Constitution.

September 1, 2014

TO: All elected officials and candidates in Santa Clara County for Congress, State Legislature, County Board of Supervisors and Mayor of any city

FR: Santa Clara County Move To Amend (SCC-MTA) and Yes on 49/Money Out Voters In (MOVI)

RE: Proposition 49, the Overturn Citizens United Act and MTA Pledge to Amend

Dear

We seek to engage you on an issue crucial to our nation and every level of government.

The California Supreme Court will soon hear argument to determine if Proposition 49, the Overturn Citizens United Act, will appear on a future ballot. Prop. 49 originally was placed on this November's ballot by a vote of the California State Legislature, but the Court removed it from being considered until legal objections are resolved.

Prop. 49 would have empowered state voters to instruct their elected federal representatives to support an amendment to the U.S. Constitution stating (1) the Supreme Court's Citizens United decision and similar precedent should be overturned and full regulation of campaign contributions and expenditures allowed, and (2) only the rights of natural persons are protected by the U.S. Constitution.

These are exactly the same two issues identified in the Pledge to Amend campaign of Move To Amend, a national coalition in support of Prop. 49.

To clarify your views on these urgent issues, please complete and return the accompanying poll, preferably by September 15, 2014 but no later than September 30, 2014, as we intend to publicize the results in early October. Regardless of how the Court rules, voters want to know your stand as evidenced by the widespread outcry to Citizens United, the campaign of Santa Clara County Move To Amend reaching thousands of local voters, the many thousands of volunteers supporting Prop. 49, and the fact that Prop. 49 was placed on the ballot by the Legislature.

An information sheet is attached, highlighting the ill effects of the "money equals speech" and "corporations have Constitutional rights" legal doctrines. We are also including a "Pledge To Amend" form to be completed and returned to let us know how you stand on this critical issue. The "Pledge to Amend" expresses the same sentiments as Prop. 49.

Thanking you in advance and respectfully,

(signatures on the following page)



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Richard Hobbs

Richard Hobbs, Santa Clara County Move to Amend

Eitan Fenson

Eitan Fenson, Santa Clara County Move to Amend

Debbie Mytels

Debbie Mytels, Environmental Educator

Diane Rolfe

Diane Rolfe, Santa Clara County Democratic Party

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Name: _____

Office held or candidate for (include district #): _____

Signature: _____ Date: _____

Amendment to the Constitution

- *Only human beings, not corporations or other legal entities, are persons with constitutional rights.*
- *Political contributions and campaign spending are not equivalent to political speech and can be regulated.*

Please place a mark by the response that most accurately reflects your view about this Pledge to Amend the Constitution:

1. _____ Support

2. _____ Inclined to support but have these concerns:

3. _____ Need more info; arrange for a meeting with me.

4. _____ Do not support at this time for these reasons:

Please Return to Santa Clara County-Move to Amend/Yes on CA49, Money Out Voters In at the address below



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FACTS-PROP. 49 & MOVE TO AMEND CONSTITUTIONAL AMENDMENT

Side 1

Who are MOVI and Move To Amend?

Money Out Voters In (MOVI) and Move To Amend (MTA) are volunteer, non-profit, non-partisan organizations dedicated to restoring democracy by reforming the corrosive impact big money has on politics. Santa Clara County-Move To Amend (SCC-MTA) is MTA's affiliate in our County.

What are Proposition 49 and Pledge To Amend?

Proposition 49 would propose that Congress pass an amendment to the U.S. Constitution to 1) overturn the Citizens United decision and other judicial precedent (2) to allow full regulation or limitation of campaign contributions and spending to ensure that all citizens may express their views and (3) make clear that the U.S. Constitution protects only the rights of natural persons.

The California Supreme Court currently is determining whether Prop 49 will appear on a future ballot. Whether it does or not, the issue remains, as MTA seeks a constitutional amendment to the U.S. Constitution that is substantially similar, as reflected in its Pledge to Amend.

The Pledge for candidates and incumbents states that the signer supports "amending the U.S. Constitution to make clear that corporations and other artificial entities do not have Constitutional rights and that money is not speech and campaign spending should be limited through regulation," and that they will use their office to support this amendment.

Why are Prop 49 and Pledge to Amend needed?

The U.S. Supreme Court has decided two strands of decisions that MOVI and MTA seek to overturn via a constitutional amendment.

- First, that "money equals speech" based on which the Court has struck down most laws regulating campaign finance, thus allowing the message of the wealthy to overwhelm the citizenry.
- Second, that corporations have the same rights as human beings, based on which the Court has struck down numerous democratically enacted laws thus allowing corporations to benefit over the citizenry.

Why Money Does Not and Should Not Equal Speech

Money is a medium of exchange. Speech is a form of constitutionally protected communication. They are different. The Supreme Court simply is wrong.

Big money has long dominated our elections but the problem has worsened since the Supreme Court's Citizens United ruling in 2010, which allowed corporations to spend unlimited amounts of money on our elections. In the 2012 election:

- 32 super-rich donors contributed more money to political campaigns than 3.7 million people who donated \$200 or less. Those wealthy donors incur a debt from their recipients that is paid by legislation favorable to those donors. If money is speech, then 32 people are drowning out our voices.
- "Independent" groups spent about \$1 billion, much of it from anonymous individuals and corporations.



END CORPORATE RULE. LEGALIZE DEMOCRACY.

MOVE TO AMEND

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FACTS-PROP. 49 & MOVE TO AMEND CONSTITUTIONAL AMENDMENT

Side 2

The problem with money in politics is not so much the amount that is spent on campaigns as it is who pays for them, what they get in return, and how that affects public policy and spending priorities.

Why corporations are not people and should not have constitutional rights

Corporations are not mentioned in the constitution. Since the Court began recognizing corporations as having the constitutional rights of people, it has decided:

- spending money to influence elections is constitutionally protected free speech under the First Amendment, and struck down portions of the law thus allowing candidates to give unlimited amounts of money to their own campaigns. *Buckley v. Valeo* (1976)
- corporations have First Amendment free speech rights, thus invalidating a state ban on corporations spending money to oppose referendums unless they could prove the legislation would negatively affect their business. *First National Bank of Boston v. Bellotti* (1978)
- state regulations prohibiting smokeless tobacco or cigar advertising within 1,000 feet of a school or playground violated corporation's First amendment free commercial free speech rights. *Lorillard Tobacco Co. v. Reilly* (2001).

And one Federal Court of Appeals ruled that Vermont's statute to require all dairy products from cows given the synthetic growth hormone, rBST, carry a certain warning label infringed on corporation's First Amendment free speech right not to speak. *International Dairy Foods Assoc'n v. Amestoy* (1996).

A corporation is an artificial entity created by *statute* through people to conduct business. Giving an artificial creation that exists only under *statutory law* *constitutional* rights that supersede those of the people they are supposed to benefit is illogical. The legitimate functions of corporations are to act as one entity, to own property, to sue and be sued in court, and enter into contracts. State statutes already provide for these functions so constitutional rights are unnecessary.

Who else supports a constitutional amendment such as this?

Nine states and 462 municipalities throughout the U.S. support a constitutional amendment to limit constitutional rights to humans and allow campaign finance regulation. In 2012 the Conference of Mayors passed a resolution entitled in part "corporations should not receive the same legal rights as natural persons do." Campbell has passed a Resolution with the same wording as the Conference of Mayors; Mountain View and Los Altos Hills passed Resolutions that advocated amending the Constitution to abolish corporate constitutional rights.