



# MOVE TO AMEND

## CONSERVATIVES SUPPORT THE “WE THE PEOPLE” AMENDMENT

***This is a non-partisan issue with overwhelming support from Americans across the political spectrum:***

The proposed “We the People Amendment” has support from people of all political parties—Republicans, Democrats, Greens, Libertarians and Independents alike. That is because although people of different political parties and ideologies frequently have different positions on policy proposals, this proposed amendment is **not** about policy, but about the principle of self-government. Americans agree that our country should be a self-governing Republic, where “We the People” govern ourselves.

People across the political spectrum took notice when--based on the assumption that corporations are people with the same Constitutional rights as living, breathing human beings--the U.S. Supreme Court in *Citizens United v. the Federal Election Commission* (2010) overturned key provisions of the federal Campaign Reform Act enacted in 2002. The Court ruled that corporate entities, and labor unions, have the same rights as individual people to nearly unrestricted spending on political speech.

A 2010 Washington Post-ABC News poll revealed relatively little difference of opinion across party lines on the issue among those opposed to the ruling: **Democrats (85%), Republicans (76%) and independents (81%).**

A 2014 Public Citizen poll showed that the impact of special interest lobbying and election spending on our political system is still viewed unfavorably by: **Republicans (79%), Democrats (76%), and independents (74%).**

***“We the People” Amendment is not anti-corporation and is supported by local businesses:***

To be explicit--this proposed amendment is not “anti-corporation.” We support commerce, and recognize that corporations come in all sizes and shapes and play an important role in our social and economic systems. However, the corporation does not have constitutional rights. As the Founders observed in The Declaration of Independence, humans “...are endowed by their Creator with certain unalienable Rights.” Corporations are created by the state chartering process. They are artificial entities and do not possess the inherent, inalienable rights of a human being.

According to the American Independent Business Alliance (that filed a Friend of the Court Brief with the Supreme Court against *Citizens United*), each dollar spent at independent businesses returns three times more money to the local economy than one spent at a chain (hundreds of times more than buying from an online mega-retailer), helping to create local jobs and local wealth.

It is also worth noting that many business owners support our effort. 9 in 10 small business owners have a negative view of the role money plays in politics. 66% of small business owners specifically view the *Citizens United vs. FEC* decision as bad for small business, whereas only 9% said it was good for small business. (Poll conducted Feb 2012 by the American Sustainable Business Council, Main Street Alliance, and Small Business Majority).

A 2014 survey conducted on behalf of the Small Business Majority showed that “small business owners believe big businesses have an unfair influence on government decisions and the political process—which gives them a competitive advantage over small firms...and that they want government to [adopt] policies that level the playing field with big business and bring fairness to our campaign finance laws.”

**72% of small business owners say major changes are needed to our campaign finance system**

**48% of respondents identified as Republican, 32 percent as Democrat and 11 percent as independent or other.**

### ***Giving Corporations Constitutional Rights infringes on individuals’ Liberty:***

Another way to think about it-- Our Constitutional rights are **not** subject to the political process, and cannot be infringed by the majority or by an action of government. This is a basic tenet of civil liberty. A corporation is an artificial entity created by a state charter. The charter describes a corporation’s legal privileges, obligations and responsibilities. These are subject to the political process, and can be changed by that same political process.

A human being thinks, tries to make ethical decisions, and is motivated by obligations to family and community. A corporation is an amoral artificial entity, and it’s structure separates humans from their actions, thus destroying a sense of moral responsibility. As noted conservative Supreme Court Justice William Rehnquist observed in *Pacific Gas & Electric Co. v. Public Utilities Commission* (1986) “To ascribe to corporate entities an ‘intellect’ or ‘mind’ for freedom of conscience purposes, is to confuse metaphor with reality.”

***“We the People” Amendment upholds traditional American values and the intent of our Founding Fathers:***

The American Revolution was fought in large part because of the insidious ties between the East India Company and the imperial British Government. The revolutionaries made sure that creating a limited liability corporation was a **privilege** not a right. For example, for almost 100 years after the Revolution, corporations were appropriately controlled through the political process: They had to be chartered by a vote of the state legislature, they could only exist for a certain number of years, they couldn't own other corporations, they could be dissolved once they had earned a certain profit margin, they couldn't donate to political or charitable causes, they had to operate in the state they were chartered in, their stockholders were local, they could only do the certain task they were chartered for, and they couldn't own land that was necessary for carrying out business.

***“Corporate Personhood” was created by judicial activism and went against previous law and precedent:***

Conservatives rightly abhor "Judicial Activism," where judges base their ruling on personal or political considerations rather than on existing law or precedent.

Thomas Jefferson warned "To consider judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and for privilege. But their power [is] the more dangerous, as they are in office for life, and not responsible to elective control." Jefferson also cautioned that judicial review would make the Constitution nothing but "a mere thing of wax in the hands of the Judiciary, which they may twist and shape into any form they please."

Abraham Lincoln was even more direct. He wrote "if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers."

Corporate Personhood was created **entirely** as an act of Judicial Activism. The word "corporation" is never used in the Constitution, and no statutory language was interpreted to create it.

*“Citizens United vs. FEC* is an activist decision by any definition of judicial activism. It is activist in its disregard of constitutional history, tradition, and Supreme Court precedent. It is precisely the kind of divisive and unnecessarily sweeping decision that Chief Justice John Roberts pledged to avoid in his confirmation hearings and after, when he said he would try to promote narrow, unanimous opinions, rather than deciding hotly contested questions by ideologically polarized, 5-4 votes.” (George Washington Law Professor Jeff Rosen).

The Court also created the doctrine that “money equals speech” as an act of judicial activism. In dissenting from that decision, Chief Justice Rehnquist noted “The blessings of perpetual life and limited liability ... so beneficial in the economic sphere, pose special dangers in the political sphere.” *First National Bank of Boston v. Bellotti* (1977).

### ***Election Results Confirm That Conservatives Support The “We The People” Amendment:***

The call for a constitutional amendment to abolish the illegitimate, court-created doctrines of corporate constitutional rights and money equals political speech has been placed on the ballot over 300 times. That means not just city council members voting on the question, but citizens in a given jurisdiction weighing in on the call for a constitutional amendment. We have won **every single time**.

That certainly includes liberal bastions like San Francisco, CA and Madison, WI and Boston, MA. But we have also won in many different conservative states and communities:

- State of Montana – 75% of the vote
- State of Colorado – 74% of the vote
- Wakeshau, WI – home town of Republican Tea Party Governor Scott Walker, where they haven’t voted for a Democrat for President or Congress in 40 years.
- Brecksville, OH – 52% of the vote (in the same election where Mitt Romney won for President on the town’s ballot)
- Salt Lake City, UT – 88% of the vote