

Money in Politics and the First Amendment

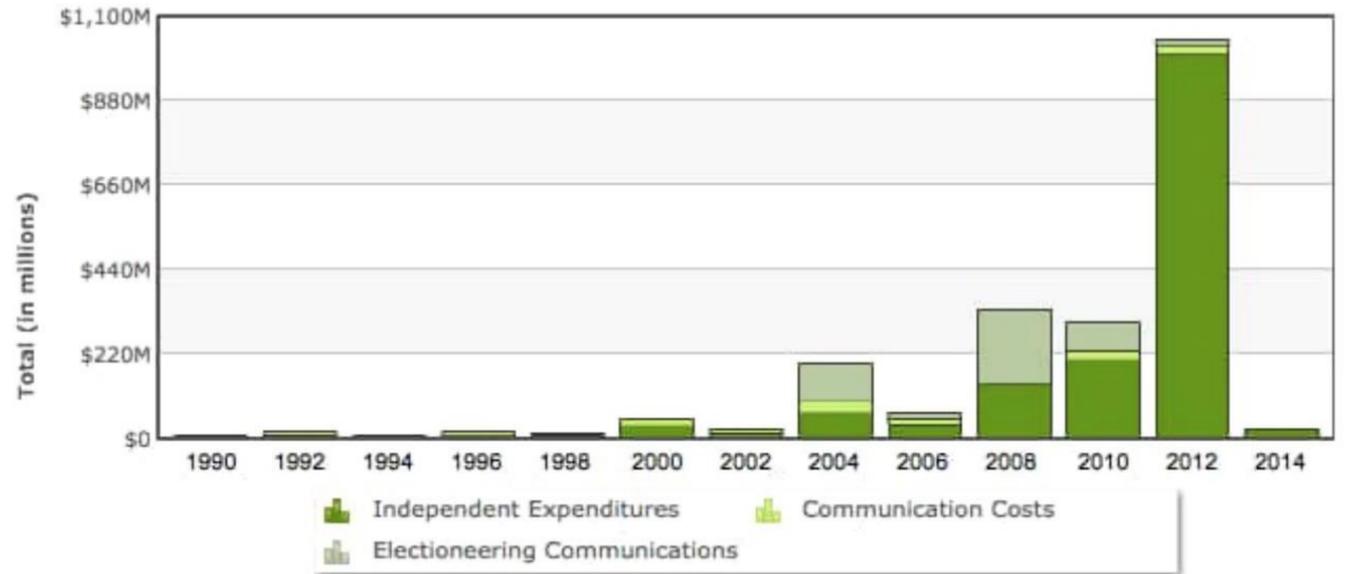
By Sean Burns, Professor Koch

Citizens United v. Federal Election Commission was a Supreme Court case that was decided in January of 2010 that caused the balance of power in the democratic nature of the United States to be shifted strongly towards the favor of corporations. The decision was boiled down to the point that since there was no distinction between people and corporations in the First Amendment, corporations could not be restricted in their speech. This paved the way for corporations to donate unlimited amounts of money in favor of political candidates of their choice as long as it was not directly given to the candidate or in direct coordination with the candidate's wishes. This is an unacceptable attack on democracy and this poster intends to amend this source of inequity.

The Proposed Amendment

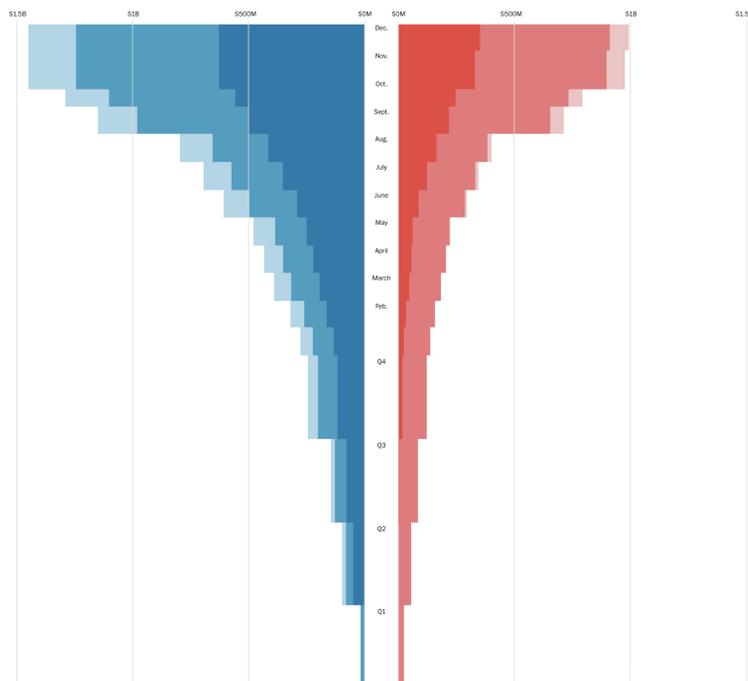
(1) The rights protected by the Constitution are intended to be the rights of natural persons; (2) the words "people," "person," or "citizen" as used in the Constitution do not include corporations, limited liability companies, or other corporate entities established by the laws of any state, the United States, or any foreign state; and (3) such corporate entities are subject to such regulation as the people, through their elected state and federal representatives, deem reasonable and are otherwise consistent with the powers of Congress and the states. Nothing in the amendment shall be construed to limit the rights of freedom of speech, the press, exercise of religion, association, and all such other unalienable rights of the people.

Independent Expenditures before and after *Citizens United* (2010)



The main reason that *Citizens United v. Federal Election Commission* is so undemocratic is because corporations do not suffer under the *Collective Action Problem*. "If taking part in a collective action is costly, then people would sooner not have to take part. If they believe that the collective act will occur without their individual contributions, then they may try to free ride." Encyclopedia Britannica. In short, it is hard to get a large amount of people to collectively do something, such as giving to a political candidate. A corporation does not suffer from this problem and even though a corporation may be made of individuals, there is no guarantee that the individuals agree with each other on this issue.

The Amount of money given by Super PACs to Hillary Clinton and Donald Trump. As shown in light blue and light red



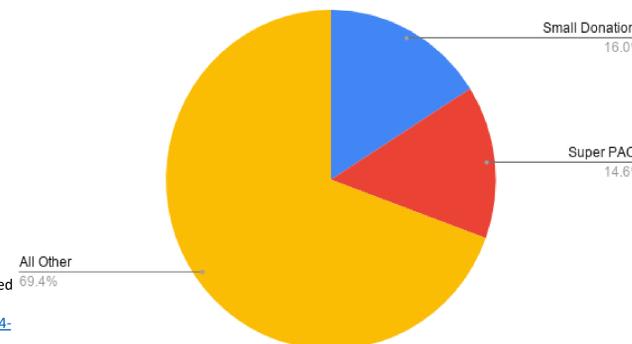
Left: Washington Post <https://www.washingtonpost.com/graphics/politics/2016-election/campaign-finance/>

Right: Washington Post, same link, graphs created using information therefrom

Top: Independent Expenditures from OpenSecrets.org at <https://www.opensecrets.org/outsidespending/summ.php?chrt=V>

The Proposed Amendment: Taken from Representative James McGovern's proposed amendment at <https://www.congress.gov/bills/115th-congress/house-joint-resolution/88?s=1&r=1&fbclid=IwAR31Br6zM6PD24gkTXE-X4GzIqfklrEwzwlMNut14-Qeh05dZsQG1Z4yEcM>

Hillary Clinton 2016 Donations



Donald Trump 2016 Donations

