



Maine Clean Elections News

P.O. Box 18187, Portland, ME 04112

www.mainecelelections.org

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Corporations Are Not People

by Jeff Clements

Two years ago, in *Citizens United v. Federal Election Commission*, the U.S. Supreme Court killed the federal Bipartisan Campaign Reform Act (McCain-Feingold), reversing a century of law and overruling one of its own decisions from just six years earlier. In the wake of *Citizens United*, corporations can spend unlimited money in every federal, state, and local election in the country.

In this new world, corporations are people, corporate money is “speech,” and laws restricting corporate political spending violate the First Amendment.

According to many polls, 80 percent of the public

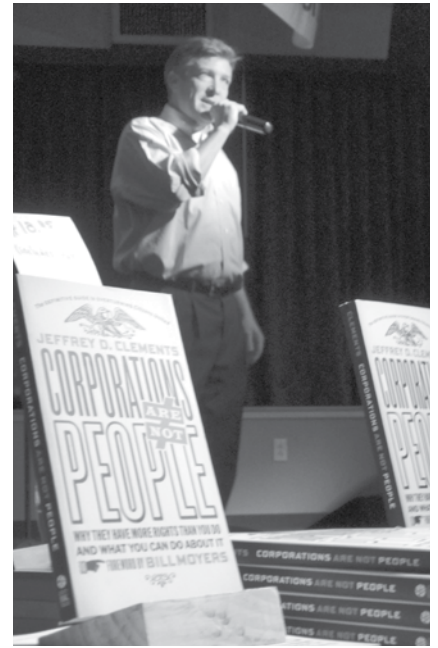
opposes *Citizens United* and supports a constitutional amendment to reverse the decision. If Americans so clearly oppose the fabrication of “corporate people” who can use the Constitution to strike down the real people’s laws, how did the folly of *Citizens United* ever happen?

In fact, the case is the result of a well-funded and organized 30-year campaign to establish corporate constitutional rights as a means to trump democratic laws. Indeed, *Citizens United* is something of a victory parade for this campaign.

But, can a government based on the will of equal, sovereign human beings co-exist with a government based

on unregulated corporate spending? Unlikely.

The roots of *Citizens United* reach back 40 years. By the end of the 1960s, Americans had become increasingly aware that corporations were using our rivers, air, oceans, and land as sewers and dumps, taking the profits and leaving people and communities with the costs. In April 1970, 20 million Americans of every age and political viewpoint went into the streets and public spaces on the first Earth Day to insist on a better balance between corporations and people, between an extraction economy and nature.



Author Jeff Clements speaking at Bayside Bowl on February 27

Corporations
(continues page 2)

Legislature Weakens Clean Elections

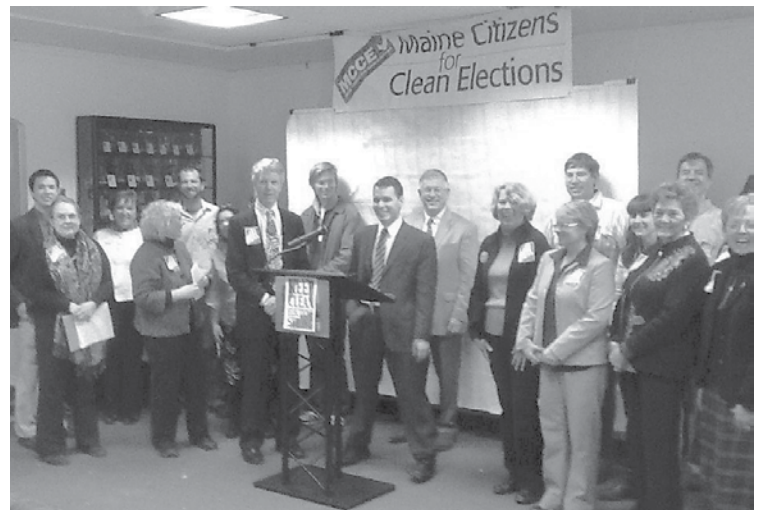
Delivering the sharpest blow to Clean Elections in the law’s fifteen-year history, the 125th Maine Legislature rejected all measures to strengthen the law in the wake of a court ruling that eliminated the matching funds provision. After months of work by the state Ethics Commission and other stakeholders to develop alternatives, the legislature passed LD 1774 without amendment, opting to simply remove matching funds language from the statute.

While the Clean Election system is in place for the 2012 elections, participating

candidates will have less funding than in prior years, and will have no opportunity to receive additional funds under any circumstance. Under the matching funds system, participating candidates received dollar-for-dollar matching funds in the event that they were outspent by a privately funded opponent or by independent expenditures targeting their campaign.

Adding insult to injury, at the same time that the House and Senate voted on LD 1774,

Weaken
(continues page 2)



MCCE supporters present more than 5,000 petition signatures at the State House to keep Clean Elections strong on February 29



MCCE is a nonpartisan organization that works in the public interest to advocate for, increase public support for, defend and improve the Maine Clean Election Act and related campaign finance law.

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Letter from the Executive Director

In the past few months, Maine Citizens for Clean Elections has certainly lived up to its name.

Since the beginning of the year, thousands of Maine people have contacted their elected representatives through emails, phone calls, and petitions demanding that they keep Clean Elections strong. Our coalition partners and dozens of volunteers have been working the phones, hitting the streets, attending events, and spreading the word. Together we are fighting the latest round of cuts to Clean Elections. We, and you, are standing up for democracy.

Right now, thousands of Mainers are supporting Clean Elections by using Maine's income tax check-off and making Qualifying Contributions of \$5 to Clean Election candidates.

More than one hundred of you turned out to Bayside Bowl in Portland in February for our FUN-Raiser with Jeff Clements, author of Corporations Are Not People. What a

great event! We thank Bayside Bowl for offering both a venue and 5% of the day's receipts, Longfellow Books for selling Jeff's book, and Jeff himself for donating \$5 for each book sold.

Finally, MCCE welcomes Sam Parker, our new Program Director, to the team. Sam will be working on organizing, education, and advocacy, bringing capacity just when we need it most. I hope you will meet her soon.



Sam Parker

As we look toward the future, one thing is clear: If we are ever to achieve a government truly of, by, and for the people, it will be because WE THE PEOPLE made it happen. We are proud to be working with YOU for a more true democracy.

As we say here at MCCE, onward and upward!

ANDY

Andrew Bossie,
Executive Director

Weakens (from page 1)

Governor Paul LePage proposed a supplemental budget that cuts \$2.45 million from the Maine Clean Election Fund. While the fate of that bill is unknown as we go to press, it is clear that if these trends continue Maine will see an inevitable result: significantly more influence from big-money special interests in Maine elections and Maine government.

Representing the League of Women Voters of Maine, Ann Luther testified against the proposed cuts. "When the public money goes out of Clean Elections, the private money floods in," Luther said. "We can expect more influence from wealthy self-serving private interests, more candidate reliance on, and fidelity, to their corporate-funded PACs and this is not what Maine people want."

When the U.S. Supreme Court overturned Clean Election matching funds in an Arizona case in June, it was clear that Maine's similar provision would also fall. At that time, the legislature unanimously passed a resolve laying out a process and a timeline to amend the law before the 2012 elections were underway. After the Court ruled, the Ethics Commission got to work.

Following several months of review and public comment, the Commission proposed an innovative "requalifying option" that would keep Clean Elec-

Corporations (from page 1)

How did American democracy respond? With a Republican president and bipartisan support, Congress enacted the laws that form the core of environmental regulation today – everything from the Clean Water Act to the first fuel economy standards for cars.

Not everyone celebrated the results. Lewis Powell, a corporate lawyer from Richmond, Virginia, guided some of the biggest corporations on the planet in launching a counterattack. Laying out his case to the U.S. Chamber of Commerce in 1971, Powell prepared a memo called "Attack on American Free Enterprise System." He explained the problem: "No thoughtful person can question that the American economic system is under broad attack."

Powell's solution? Corporate leaders must use an "activist-minded Supreme Court" and other

opportunities to shape "social, economic, and political change" to the advantage of corporations. "Strength," he explained, "lies in organization, in careful long-range planning and implementation, in consistency of action over an indefinite period of years."

Six months later, Powell was nominated to the Supreme Court, and during his fifteen-year tenure he wrote four groundbreaking "corporate rights" decisions. With a narrow majority of the Court now accepting the mantra that "corporations are persons" and corporate "voices" must be free, energy, tobacco, pharmaceutical, and banking corporations all successfully claimed speech rights, invalidating the people's laws.

With corporations as "speakers," and truckloads of corporate cash as beneficial "speech," Washington and state capitals became the corporate playgrounds that we know too well today.

tions viable for candidates in all types of races. Sensitive to the tough budget times facing Maine, the Commission found a budget-neutral solution that addressed the court decision while remaining true to the original program.

The requalifying option would allow participating candidates to receive supplemental funding after successfully completing one or two additional rounds of collecting Qualifying Contributions – the \$5 donations that local voters make to help a candidate qualify for public funding. MCCE strongly supported this alternative.

An alternate proposal simply raised the amount of the single distribution to all candidates. MCCE did not support this plan because it would provide too much money to many candidates, and too little to others. Since Maine races are not the same, MCCE believes that a one-size-fits-all policy like this is not the most responsible use of the limited dollars that are available for Clean Elections.

MCCE advocated forcefully for the requalifying option and gained support among citizens and on editorial pages. But, the proposal met strong resistance in the Republican caucuses in the legislature. While many legislators understood that it was

the best way to keep Clean Elections viable, there was concern about the cost of the program. The response to information that no additional funds would be required to implement it was that other state programs needed more funds, so doing nothing to replace matching funds would allow Clean Election Fund monies to be used in other areas.

When it became evident that the requalifying option was unlikely to pass, Senator Roger Katz (R-Augusta) worked to build support for a compromise amendment. “After the court ruling, we are left with a shell of the Maine Clean Election Act,” he said when presenting his amendment. “There are some races where the current distributions are not sufficient to run a credible race. This is not a Democratic issue or a Republican issue.” The Katz amendment modestly raised the distribution amount to all candidates, especially those running for the Senate. Only nine senators supported this compromise.

The spirited floor debate on LD 1774 revealed the partisan split over the issue. Democrats largely decried the willful weakening of the citizen-initiated system when there was a sound, budget-neutral option available.

They accused Republicans of creating an “incumbent protection” program that would make it difficult if not impossible for challengers to be competitive.

Republicans defended their position, saying that the requalifying option would require too much additional work to access supplemental funds, and pointing out that Clean Elections does not stop the special interest money from coming into campaigns through PACs.

In the end, the requalifying option was indefinitely postponed, and LD 1774 passed without a replacement for matching funds.

The 125th Legislature has earned the dubious honor of being the first to significantly weaken Clean Elections. Besides its failure to replace matching funds with a viable alternative, it doubled the contribution limit to privately funded gubernatorial candidates and lowered the Clean Election initial distributions by 5%. While bills to repeal and partially repeal the law failed, many view the diminishment of the system as an effort to gain the same result by inflicting a death by a thousand cuts.

MCCE is exploring all options as we seek to address the damage done to our Clean Election system. ■

Citizens United is the finishing touch on the three-decade campaign of organized corporate radicalism inspired by Lewis Powell. If, as the majority of Americans believe, the corporate takeover of our government is not acceptable, the work to take it back must be as relentless, determined, and long-term as the corporate campaign itself.

That’s why I co-founded Free Speech For People, a national non-partisan campaign working to restore democracy to the people and to return corporations to their place as economic rather than political entities. To correct the damage the Supreme Court has done to the First Amendment and the Constitution, we need to pass a constitutional amendment that puts people ahead of corporations.

Passing a constitutional amendment is a long-term project that requires hard work and grassroots organizing before it will succeed. But, don’t

let anyone tell you that passing a constitutional amendment is too hard. We’ve done it over and over again throughout our history, whenever our democracy is threatened.

In Maine and other states, the work has already begun. Spurred by Portland citizens, City Councilor David Marshall introduced a resolution to overturn *Citizens United* and strengthen the state’s first-in-the-nation Clean Election law (see sidebar). The Portland City Council’s passage of the resolution is just one of many examples of Maine’s leadership and dedication to reducing the influence of big money in elections and in government. The country needs more of your leadership! ■

Jeff Clements is the author of *Corporations Are Not People* and the co-founder of *Free Speech for People*. For more information, go to www.freespeechforpeople.org and www.corporationsarenotpeople.com.



Portland Cheers Council Resolution

The City of Portland joined a growing movement when, on January 18th, the City Council passed a resolution denouncing the U.S. Supreme Court’s ruling in *Citizens United v FEC*. The measure called for abolishing corporate personhood, overturning *Citizens United*, and strengthening the Maine Clean Election Act.

After almost two hours of overwhelmingly supportive public comment, Mayor Michael Brennan made an impassioned case for the resolution, singling out Maine’s Clean Election Act as a particularly valuable program. The measure passed with a vote of 6-2 followed by loud cheers and a standing ovation from hundreds of grateful citizens.

The resolution was introduced by Councilor David Marshall, and spurred by MCCE’s partners at the League of Young Voters. ■

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DISCLOSE Act Introduced in Congress

On February 9, Representative Chris Van Hollen (D-MD) introduced H.R. 4010, the Disclosure of Information on Spending on Campaigns Leads to Open and Secure Elections Act of 2012 or the "DISCLOSE 2012 Act" to address the influence that unlimited, secret corporate and union money has on our elections and our elected officials. And, on March 21, Senator Sheldon Whitehouse (D-RI) introduced its companion, S. 2219, in the Senate. In the wake of the 2010 Supreme Court decision in *Citizens United*, the bills would

close loopholes in current campaign finance law by calling for new disclosure requirements to cover contributions to nonprofit groups and other entities that spend in federal elections. The bills would create robust reporting requirements for Super PACs, corporations, unions and nonprofit organizations that make campaign expenditures. They would also require reporting of transfers by those groups to others making such expenditures in order to expose the source of huge campaign contributions.

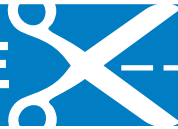
When similar legislation came up for votes in the House of Representatives in 2010, Maine Representatives Michaud and Pingree supported the measure, which passed 219-206. Unfortunately, Senators Snowe and Collins voted against moving it to the floor for debate and amendments, effectively killing its chance for passage in the 111th Congress. Senators cited the bill's exemptions for certain organizations as an objection to the bill.

Unlike the DISCLOSE Act of 2010, the new proposals focus solely on disclosure requirements.

They do not contain any of the nondisclosure provisions that were in the 2010 legislation, such as restrictions on expenditures by government contractors. And unlike the 2010 legislation, the bills do not contain any special exceptions for any group.

With the new legislation, Congress has the opportunity to call for election laws that provide citizens with basic information about who is funding our elections or to support the status quo and allow secret money to continue to influence our elections. ■

CLIP & SAVE



Election 2012

Money in politics is THE issue of the 2012 elections! Ask candidates how they intend to reduce the influence of special interests.

Ask all state candidates

- Are you a Clean Election candidate?
- Do you support full funding for the Maine Clean Election Act in legislative and gubernatorial elections?
- Will you support PAC reform including contribution limits to PACs?

Ask your legislators:

- Did you vote for the "requalifying option" to strengthen the Clean Election system?

Ask all federal candidates:

- Do you support the Fair Elections Now Act to provide public funding in congressional races?
- Do you support the DISCLOSE Act to bring transparency to independent spending?
- Do you support a constitutional amendment to overturn *Citizens United* and allow for effective campaign finance regulation, including a ban on corporate money in elections?

SIGN UP TODAY

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INSIDE

- Corporations Are Not People
- Legislature Weakens Clean Elections
- Portland Cheers Council Resolution
- DISCLOSE Act Introduced in Congress

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