

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman of the Senate Judiciary Committee,
Hearing On “Examining A Constitutional Amendment To Restore Democracy
To The American People”
June 3, 2014**

This morning the Senate Judiciary Committee begins its consideration of a constitutional amendment to repair the damage done by a series of flawed Supreme Court decisions that overturned longstanding precedent and eviscerated campaign finance laws. Left unanswered, these rulings will continue to erode fundamental aspects of our democratic process. It is time for Congress and the American people to act.

Years ago, Congress passed campaign finance laws to preserve the integrity of the electoral process, to prevent and deter corruption, and to limit the undue influence of the wealthy and special interests in our elections. Yet five justices have now repeatedly overturned these common sense and time-honored protections – through the *Citizens United* and *McCutcheon* cases. In doing so, the Supreme Court has opened the floodgates to billionaires who are pouring vast amounts of unfettered and undisclosed dollars into political campaigns across the country. Justice John Paul Stevens had it right when he wrote that the Court’s decision in *Citizens United* “threatens to undermine the integrity of elected institutions across the Nation.”

I have heard from countless Vermonters about how the Supreme Court’s decisions threaten the constitutional rights of hardworking Americans who want to have their voices heard, not drowned in a sea of corporate special interests and a flood of campaign ads on television. Not only have Vermonters urged me to advance a constitutional amendment in the Senate, but they have acted themselves on this vital issue by calling for a constitutional convention. Just as Vermonters led the nation in protecting gay rights, in pressing for the abolition of slavery, and in advancing the idea of public education, Vermonters now are determined to advance the debate over money in politics so that our democracy will not be transformed into an oligarchy. Vermont’s call for a constitutional convention is a separate approach for amending the Constitution that can operate on a parallel track to the congressional approach that we are initiating today. It is my hope that the two efforts can work in tandem to create even more momentum on this critical issue.

The American people also continue to voice their support through other avenues. More than two million individuals signed petitions calling for a constitutional amendment to fight back against the corrosive effects of the Supreme Court’s damaging decisions regarding money in politics. Those petitions have been brought to our hearing room today, and they are a tangible reminder that Americans are calling on Congress to act.

Several possible constitutional amendments have been suggested to respond to the Supreme Court’s decisions but the one that has received the most support thus far has been proposed by Senator Tom Udall of New Mexico. It would explicitly authorize Congress and the states to regulate the raising and spending of money for political campaigns, including independent expenditures. I expect that the Committee may consider improvements to the language of the amendment as a result of today’s hearing.

The ability of all Americans – not just wealthy ones -- to express their views and have their voices heard in the political process is vital to meaningful self-government. The common sense of the American people tells us that corporations are not people. Those who claim to adhere to the original intent of the Constitution cannot reasonably argue that the Framers viewed the rights of corporations as central to our electoral process. There must be some balance in our approach to the funding of political campaigns so that *all* Americans are represented and can be heard.

These sharply-divided rulings of the Supreme Court have undermined the fundamental notion that our democracy is supposed to be responsive to all Americans. Like my fellow Vermonters, I believe that all Americans and not just a wealthy few have a right to have their voices heard.

I have served in the Senate for nearly 40 years and as Chairman of the Judiciary Committee for nearly ten. I have long been wary of attempts to change the Constitution because I have seen proposals to amend the Constitution used, like bumper stickers, merely to score political points. Our fundamental charter is sacred, and amending it should only be a last resort. But like most Vermonters, I strongly believe that we must address the divisive and corrosive decisions by the Supreme Court that have dismantled nearly every reasonable protection against corruption in our political process.

Many of us on this Committee have tried for years to pass a law to require transparency and disclosure of political spending. Unfortunately, Senate Republicans have repeatedly filibustered that legislation, known as the DISCLOSE Act. This statutory approach would allow the American people to know who is pouring money into our electoral process. I hope that we will be able to convince enough Republicans to join this effort to overcome the Republican filibuster of this transparency measure. But because the Supreme Court based its rulings on a flawed interpretation of the First Amendment, a statutory fix alone will not suffice. Only a constitutional amendment can overturn the Supreme Court's devastating campaign finance decisions. And that is why I have convened this hearing.

After I turn to Ranking Member Grassley, we will hear from the Senate's Majority Leader, Harry Reid and then the Minority Leader, Mitch McConnell. I believe this joint appearance by the leaders is a first in this Committee's history and it underscores the importance of the public discussion we are having today.

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