

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
April 12, 2011

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee
Hearing on the Fair Elections Now Act
April 12, 2010

I thank the witnesses who are here today to testify about the Fair Elections Now Act. I have joined Senator Durbin again this Congress to introduce this bill, which I hope will help to stem the tide of corporate influence and restore public confidence in congressional elections. This legislation will improve our democracy by reducing the effect of large donors and special interests. A similar system has been extremely successful in Vermont, and is long overdue in our Federal elections.

I first supported this legislation last Congress because I recognized the need to level the playing field in congressional politics, and minimize the role of special interests in our elections. Now, in the wake of last year's Citizens United decision, this legislation is more important than ever.

In Citizens United, five Supreme Court justices cast aside a century of law and opened the floodgates for corporations to drown out individual voices in our elections. The broad scope of the decision was unnecessary and improper, and gives corporations virtually unfettered influence over American elections by removing limits on independent expenditures. At the expense of hardworking Americans, the Supreme Court ruled that corporations could become the predominant influence in our elections for years to come. We have already seen the consequences of this decision last November, as business contributions overwhelmed individual voices in elections across the country.

I was disappointed last summer when the Senate was unable to proceed to consideration of the DISCLOSE Act, another important legislative proposal that would help curtail corporate influence in elections. In the months leading up to the midterm elections, the minority party in the Senate joined together to prevent even debate on the bill. Those efforts to filibuster a motion to proceed to the legislation ignored the real world impact of the Citizens United decision, and its influence on our democratic process.

It is difficult to overstate the potential for harm embodied in the Citizens United decision, which threatens the fairness of our political process. Action is needed to prevent special interests from unduly influencing our elections, and to ensure that legislating, not fundraising, is the full-time job of any member of Congress. This legislation will ensure that candidates can mount viable campaigns without relying on corporate money to fund their candidacies.

The Fair Elections Now Act is one step toward countering the harmful effects of Citizens United. Today, the cost of a congressional campaign is higher than ever before. This bill will establish a voluntary program for viable congressional candidates to accept Federal grants, matching funds, and vouchers to supplement money from small dollar donors. Rather than fundraising, this legislation will enable incumbent candidates more time to better represent their constituents, and it will level the playing field to give challengers the chance to better compete with established candidates without relying on wealthy donors to fund their entire campaign. No candidate will be required to participate in this program, but it will be available to any viable candidate who needs to compete without relying on wealthy donors and corporate interests.

The Fair Elections Now Act represents one important step toward minimizing corporate influence in the electoral process, and ensuring that candidates for Congress are neither beholden to corporate influence, nor so consumed with fundraising that they do not have the time necessary to legislate. Americans should expect bipartisan support for any legislation that would prevent corporations from drowning out citizens' own voices. This legislation does that, and I hope that Senators on both sides of the aisle will work to enact this important measure.

I look forward to working with Senator Durbin and all Senators to pass this important legislation, as well as other measures to open our electoral process, and push back against the impact of Citizens United.

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