

**STATEMENT OF SENATOR PATRICK LEAHY (D-VT.)**  
**CHAIRMAN, SENATE JUDICIARY COMMITTEE**  
**HEARING ON “CURRENT ISSUES IN CAMPAIGN FINANCE LAW ENFORCEMENT”**  
**APRIL 9, 2013**

More than three years ago, with the stroke of a pen, a narrow, conservative, and activist majority of the Supreme Court overturned a century of law designed to protect our elections from unfettered corporate spending. In *Citizens United*, the Court struck down key provisions of our bipartisan campaign finance laws, and ruled that corporations are no longer prohibited from direct spending in political campaigns. As we have seen in recent elections, the decision has resulted in billions of dollars of advertising by secret, unaccountable sources flooding our airwaves. While money has always played a significant role in politics, the sheer amount of secret money that is now used to finance our elections undermines our democracy, which is rooted in transparency and accountability. *Citizens United* has made our democracy less transparent and less accountable. It turned on its head the idea of government of, by and for the people. Few Supreme Court decisions in American history have had such a negative impact on our political process. It is an issue that should concern both Democrats and Republicans.

Last June, those same five justices doubled down on *Citizens United* when they summarily struck down a 100-year-old Montana state law barring corporate contributions. In doing so, they again ignored the mountain of evidence establishing the corrupting influence of unaccountable corporate money on our political process.

These Supreme Court decisions not only go against longstanding laws and legal precedents, but also against commonsense. Corporations, quite simply, are not people. Corporations do not have the same rights, the same morals or the same interests. Corporations cannot vote in our democracy. They are artificial legal constructs meant to facilitate business. The Founders understood this. Vermonters and Americans across the country have long understood this. A narrow majority on the Supreme Court apparently does not.

Because so much of our campaign finance laws has been gutted by *Citizens United*, our Nation must find new ways to protect our democracy and to ensure that our elections remain free and fair. In the past, I have cosponsored various versions of the DISCLOSE Act, which attempted to restore transparency in our campaign finance laws after *Citizens United* and to curtail some of the worst abuses caused by that decision. Regrettably, Senate Republicans filibustered the bill in 2010, and again, in 2012. Despite a majority of support for this common sense legislation, Republicans refuse to even proceed to debate the bill in the Senate. Our efforts to ensure that our democracy would not be undermined by the harmful effects of unfettered political spending have fallen on deaf ears.

Today, Chairman Whitehouse holds this important hearing on “Current Issues in Campaign Finance Law Enforcement,” and will raise public awareness as to how we can best protect our elections from undue corporate influence by prosecuting those who flagrantly violate our campaign finance laws. I thank and commend him for holding this hearing. I believe it is critical that we engage those in law enforcement to ensure that they have the necessary tools to prosecute those who are undermining our democracy by skirting what remain of our campaign

finance laws after *Citizens United*. Our goal, of course, is to do everything in our power to re-establish public safeguards to prevent corporate megaphones from drowning out the voices of American voters. I am hopeful that this hearing will be a positive step in that direction.

This issue is one that is especially important to me because it strikes at the core of our democracy. I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on Election Day. Like all Vermonters, I cherish the voters' role in the democratic process and am a staunch believer in the First Amendment. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending. More importantly, they should not be undercut by unaccountable Super PACs and independent, outside organizations whose identities remain hidden from the public.

When a person knowingly and willfully violates our criminal laws, they are prosecuted. So should individuals who knowingly and willfully violate prohibitions on coordination between independent organizations and candidates or parties. So, too, should individuals who knowingly and willfully violate disclosure rules – including those who illegally transfer money through a conduit. And so, too, should individuals who knowingly and willfully make false and deceptive statements to evade our campaign finance laws.

Vermonters and all Americans should not be subject to deceptive campaign advertisements created by those who abuse our campaign finance laws by funneling money into shell corporations and political action committees that misrepresent who they are. Our democracy is at its best when there is accountability and transparency. We must ensure that our law enforcement officials can uncover deception in our electoral process to make it better. Let us continue today to re-establish the accountability and transparency that have been stripped away after *Citizens United*.

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