

I-1329

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NEWS

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Contact: Jim Street

206-324-4638

streetjim2@gmail.com

Statement on Supreme Court decision *McCutcheon v. The Federal Election Commission* by Jim Street on behalf of WAmend.org (I-1329 Campaign)

Seattle, WA—On April 2, in *McCutcheon v. The Federal Election Commission*, the Supreme Court tore another hole in the bipartisan laws that were designed to protect our democracy from becoming a plutocracy.

In 2010 in its *Citizens United* decision, the Court's 5-4 majority declared unconstitutional any legislative attempt to limit the ability of corporations, billionaires or other special interests from funding independent campaign expenditures through what we now know as Super PACS. In its *McCutcheon* decision, the majority declared unconstitutional the federal law that limited the aggregate amount that an individual could contribute during a federal election season to candidates, political parties and other political action committees (\$123,200).

The Court repeated its arguments that money is speech and that limits on campaign contributions could only be imposed where a direct contribution to a candidate constitutes classic *quid pro quo* corruption (i.e. a bribe) or the appearance of such corruption. The Court argued that the limits on what a person can contribute directly to a candidate remain in place and deal adequately with the corruption concern; it concluded that the total amount a person contributes to all candidates and political committees does not create the "appearance of corruption".

Justice Breyer, joined by Justices Sotomayor, Kagan and Ginsberg, disagreed, "It creates a loophole that will allow a single individual to contribute millions of dollars to a political party or to a candidate's campaign....

"Taken together with *Citizens United v. FEC*, today's decision eviscerates our Nation's campaign finance laws, leaving a remnant incapable of dealing with the grave problems of democratic legitimacy that those laws were intended to resolve....

"Where enough money calls the tune, the general public will not be heard.... That is one reason why the Court has stressed the constitutional importance of Congress' concern that a few large donations not drown out the voices of the many.... Just as troubling to a functioning democracy as classic *quid pro quo* corruption is the danger that officeholders will decide issues not on the merits or the desires of their

constituencies, but according to the wishes of those who have made large financial contributions valued by the officeholder.”

Justice Breyer stated with eloquence exactly why we in the WAmend coalition are working so hard to place Initiative 1329 before the voters. Initiative 1329 calls for a constitutional amendment, which would overturn *Citizens United* and *McCutcheon*.

Jim Street is a former Seattle City Council member, retired King County Superior Court Judge and WAmend.org volunteer. He can be contacted by phone at 206-324-4638 or by email at streetjim2@gmail.com

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*The Washington State Coalition to Amend the Constitution (WAmend.org), a coalition of citizen activists and grassroots organizations, has launched Washington State Initiative 1329. I-1329 calls for a constitutional amendment which would overturn *Citizens United* and *McCutcheon*.*

WAmend overview, background and quote sheet are included in this packet of information (attached).