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**By Senator
Bernie Sanders**

Democracy or Oligarchy?

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The major issue of our time is whether the United States of America retains its democratic foundation or whether we devolve into an oligarchic form of society where a handful of billionaires have almost absolute control over the political and economic life of the nation.

Tragically, we are headed on a perilous path toward the latter. When large corporations and a few wealthy families can spend unlimited sums of money to buy and sell politicians, it is now clear to most Americans that the foundation of American democracy is under severe attack.

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The history of this country has been an arduous and difficult journey, but one which has moved forward toward a more inclusive democracy. As part of that struggle to expand democracy, courageous Americans have died or risked their lives defending that ideal.

When this country was founded, let us not forget that only white, male property owners over age twenty-one could vote. After the Civil War, the Constitution was amended to allow nonwhite men to vote. In 1920, after decades of struggle and against enormous opposition, Congress ratified the Nineteenth Amendment guaranteeing women the right to vote.

In 1965, spurred by the civil rights movement, the Voting Rights Act was passed, outlawing discrimination at the polling place. People no longer could be denied the right to vote based on the color of their skin. One year later, the U.S. Supreme Court held that the poll tax was unconstitutional, and that a person's economic status would not be a bar to participating in our democracy.

In 1971, young people throughout the country said, "If we are old enough to be drafted and go off to war, then we are old enough to vote." The voting age was lowered to eighteen. In the last few years, gay Americans, long discriminated against, have won for themselves the right to marry in state after state.

During the Gilded Age, there was rampant political corruption. Government workers were expected to provide a kickback to their political bosses in order to keep their jobs. One hundred years ago, candidates relied heavily on the corporate contributions of robber barons. In response to allegations involving improper contributions to his own Presidential campaign, Teddy

Roosevelt signed into law the first comprehensive campaign finance reform, the Tillman Act, which banned campaign contributions from corporations and national banks.

In the ninety years following the Tillman Act, Congress incrementally placed greater restrictions on campaign finance, often in response to election scandals. In 2002, Congress's efforts culminated in the Bipartisan Campaign Reform Act, also known as McCain-Feingold, which created a comprehensive set of regulations on how and when money could be spent in politics.

But the Koch brothers and others in the billionaire class have worked doggedly to try to undo these regulations and once again allow the wealthy and powerful to have an unlimited ability to influence elections. In that process, they have been aided and abetted by the five conservative members of the U.S. Supreme Court.

In 2010, the Supreme Court issued the disastrous 5-4 opinion striking down major parts of McCain-Feingold in the *Citizens United* case. This case, along with subsequent rulings, led to the explosion of outside money in campaigns and the rise of super PACs.

In the 2012 Presidential election, billionaires like the Koch brothers and Sheldon Adelson contributed hundreds of millions of dollars to Republican candidates. The situation is so absurd that thirty-two major super PAC donors contributed more than all of the millions of Americans who wrote individual campaign checks of less than \$200. More than 60 percent of all super PAC funds came from just 159 donors, who each gave more than \$1 million, according to the U.S. Public Interest Research Group and Demos.

How is it possible that these types of contributions are legal? Because a major part of the Supreme Court's reasoning in *Citizens United* hinges on the definition of "corruption." The Supreme Court narrowly defined corruption as only quid pro quo corruption, saying "Ingratiation and access . . . are not corruption."

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This ruling has led to some truly bizarre reasoning. Take, for example, a member of Congress who is opposed to the Keystone XL pipeline (as I am). If that member is personally offered a \$10 bill to vote for the pipeline, and does so, that equals corruption. However, if that member is threatened with millions of dollars of negative ads unless they support the pipeline, and they succumb to the pressure to avoid the onslaught of super PAC spending, well, that is perfectly appropriate, according to five members of the Supreme Court.

What we are talking about here is not only campaign donations that are disclosed, but millions of dollars of dark money, which is hidden from public disclosure. Americans are disgusted by this pay-to-play system of politics, with poll after poll showing that people of all political persuasions do not want an electoral system awash in corporate cash, with politicians beholden to the megadonors who put them in power.

Yet the Supreme Court doubled down on its flawed definition of "corruption" this April. In another 5-4 opinion called *McCutcheon v. FEC*, the court struck down the limit that an individual donor can spend on all federal candidates and parties in an election

cycle. In the case, a wealthy donor from Alabama claimed the current aggregate limit of \$123,200 violated his constitutional rights of speech and association, and, shockingly, the court agreed.

When the average American family made roughly \$51,000 in 2012, it is hard to understand how the court could conclude that Shaun McCutcheon's rights were violated because he could not give more than twice that amount of money to federal candidates. In the month following the *McCutcheon* ruling, multiple donors who had already hit the old aggregate limit wrote new checks.

The Tillman Act's ban on direct contributions from corporations to candidates still stands—but for how long?

The individual contribution limits established under McCain-Feingold still stand—but for how long?

Indeed, there are already several cases making their way through the court system that challenge those limits, including one filed in May by the Republican National Committee. The goal is very clear: End all restrictions on campaign finance so that billionaires and corporations can give unlimited sums directly to the candidates.

The issue of campaign finance reform and the role of the Supreme Court

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may sound like a lawyers' debate over abstract constitutional issues. The truth is, however, that there is no single issue more important to the needs of ordinary Americans than the issue of campaign finance. If we cannot control the power of the billionaire class to buy elections, there is no question that more and more people will be elected to office who see their role as protecting the needs of the rich and the powerful as opposed to protecting the middle class, the elderly, the children, the sick, the poor, and working families.

Candidates should be elected based on their ideas, not their personal wealth or their ability to raise huge sums of money. The votes elected officials take should be based on the best interests of the American people, not the fear of retribution when shadowy figures spend millions of dollars on negative advertisements.

Frankly, I am not a great fan of constitutional amendments, but when the Supreme Court says that corporations are people, that writing checks from a company's bank account is constitutionally protected speech, and that attempts by the federal government and states to impose reasonable restrictions on campaign funding are unconstitutional, then it is time to pass a constitutional amendment to address that absurdity.

This is why I introduced the Democracy Is for People Amendment, co-sponsored in the House by Representative Ted Deutch, Democrat of Florida.

Our amendment would reassert the role of Congress to set reasonable limits on campaign spending. Preventing quid pro quo corruption is clearly important, but we must also be able to regulate campaign finance. We must

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be able to place sensible limits on contributions and expenditures, set up a system of disclosure, and establish public financing. Our amendment would also give Congress and the states the ability to eventually move to a system of total public financing for campaigns—no private donations or expenditures allowed.

Other Senators have proposed similar amendments. While there are some differences in language, we all agree on the most important thing: *Citizens United* is an affront to our democracy and must be overturned.

The good news is that Senate Majority Leader Harry Reid has told us that the Senate will soon take up and debate a proposed constitutional amendment to overturn *Citizens United*. At a time when sixteen states and more than 500 cities and towns already have passed resolutions supporting a constitutional amendment, there is strong, grassroots support for the effort.

Our goal must be to develop an unprecedented grassroots movement in all fifty states to make it clear to Congress that billionaires buying elections is not what American democracy is about and it is not what our Constitution stands for. I hope you will join us in that effort. ♦