



ACTING LIKE AN ACTIVIST

In keeping with the spirit of Common Cause as a true grassroots organization, and to support members and citizens in being their own best advocates, Common Cause is planning a series of training sessions to help you build (or rebuild) grassroots organizing, campaigning, and advocacy skills. And since these training sessions will be virtual (telephone and webinar-based), you can brush up on your activism skills wherever you are.

We're beginning with a series on our Amend 2012 campaign, it's background and focus, and steps you can take in your city or state to help reclaim our democracy.

Before we can develop resources, we need your input on what you want to know! Please take a moment to tell us what skills you would like to develop to become a more powerful activist. You can access our survey online: <http://svy.mk/CCtraining>.

THREE OF THE 40 UNDER 40

Three members of the Common Cause family are profiled in the latest edition of *City & State*, a must-read in New York politics and government, in the listing of "40 Under 40: Albany's Next Generation of Political Leaders:"

- Brian Paul, research and policy coordinator for Common Cause New York
- Deanna Bitetti, former associate director for Common Cause New York and current chief of staff for Assemblyman David Weprin
- Media consultant Alexis Grenell, whose work for Common Cause has helped generate incredible attention for our work to expose ALEC and challenge the Senate filibuster



Faulting the Filibuster

Frustration with gridlock in the U.S. Senate has put the filibuster rule back in the spotlight. Senate Minority Leader Harry Reid has said he regrets turning away reform proposals at the beginning of this session. As the number of filibusters keeps rising, Americans' confidence in Congress is sinking. Common Cause President Bob Edgar says, "We can't afford to let a minority of U.S. senators block progress. It's wrong, and it's unconstitutional. It's time to restore majority rule in Washington and get the country moving again."

To that end, Common Cause has filed a lawsuit challenging the constitutionality of the filibuster rule and its requirement that senators muster 60 votes for bills and nominations that often already have majority support. Once a rarely-used maneuver to allow extended debate, the filibuster is now routinely used to block debate on hundreds of critical issues and nominations.

Federal action on the major issues of the day – from tackling the student loan debt crisis, to revitalizing the economy, to requiring disclosure of campaign spending and filling court vacancies – is being held up in the U.S. Senate by a filibuster rule that is unconstitutional and was never contemplated by the nation's founders.

Congress is mired in gridlock as partisan factions put political advantage over the national interest.

The filibuster has become a partisan weapon, used by the minority to thwart majority rule. No other democracy gives a minority effective veto power over all legislation. It's a recipe for disaster, and puts America at a big disadvantage in the world economy.

Plaintiffs in the case include members of Congress—U.S. Reps John Lewis, D-GA, Michael Michaud, D-ME, Hank Johnson, D-GA, Keith Ellison, D-MN, and Lynn Woolsey D-CA—all of whom have seen legislation they sponsored win overwhelming bipartisan support in the House only to be denied debate and a vote in the Senate because of the filibuster.

In addition, three promising young people whose future in America is being held hostage because of the filibuster of the DREAM Act have taken a courageous stand against the stumbling Senate. Erika Andiola, Ceasar Vargas and Celso Mireles were brought as children to the U.S. from Mexico by their parents. Each of them earned a college degree with honors and would be on track to become a U.S. citizen under an immigration reform measure, the DREAM Act, which passed in the House of Representatives and is supported by a majority of Senators. However, the DREAM Act was killed when 41 of 100 senators refused to end the filibuster blocking it.



**FIX THE
FILIBUSTER**

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FAULTING THE FILIBUSTER

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Since Common Cause filed its suit in mid-May, politicians, pundits, and media on both sides of the issue have weighed in on the filibuster.

Sen. Tom Harkin D-IA, a long-time proponent of filibuster reform, says use of the tool has "gone beyond all reason and anyone who wants to get anything done around here is fed up with it."

Some so-called experts balk at our lawsuit and argue that the Constitution gives the Senate authority to adopt any rules it chooses, and that those rules are immune from scrutiny in the courts.

We disagree, of course.

The Supreme Court ruled over 100 years ago, in *United States v. Ballin*, that the House and Senate cannot adopt rules that conflict with the Constitution. Specifically, the justices said that while "the Constitution empowers each house to determine its rules of proceedings, [i]t may not by its rules ignore constitutional restraints or violate fundamental rights."

We believe the filibuster rule does just that, and that's the basis of our lawsuit.

www.Facebook.com/FixFilibuster

Join our online community and talk with tens of thousands of like-minded citizens to share your thoughts on democracy, money in politics, and government accountability.



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Amend 2012

because only people are people

RECLAIMING OUR DEMOCRACY

The movement for a constitutional amendment to reverse the U.S. Supreme Court's 2010 *Citizens United* decision continues to grow across the country. Four states—Hawaii, California, New Mexico, and Rhode Island—have passed resolutions calling for Congress to affirm that corporations are not people and money is not speech. Several other state legislatures are considering such measures right now.

Dozens of cities and towns across America also have collaborated to pass resolutions simultaneously. Recently, 56 towns in Massachusetts came together to pass such resolutions.

"The outpouring of support for amending the Constitution to overturn the *Citizens United* decision has been tremendous," said Pam Wilmot, executive director of Common Cause Massachusetts. "This is a truly a grassroots effort by citizens fed up with big money in politics and an increasingly dysfunctional democracy. People from all across the Commonwealth from all backgrounds have taken up the cause and brought it to their local officials and to town meetings."

In April, Vermont set a high bar with more than 60 towns passing a call for an amendment.

Montana is the first state to challenge *Citizens United* at the high court. The Montana Supreme Court upheld a state ban on corporate spending in elections but the U.S. Supreme Court stayed that decision, opening the door for big money to flood Montana's state elections. Now, 22 states and the District of Columbia are backing Montana in its fight to uphold the state law restricting corporate campaign spending.

Without an amendment to the U.S. Constitution clarifying that corporations are not people and that money is not speech, any carefully enacted policies aimed at cleaning up elections and reducing the undue influence of money in politics will remain under threat.

Common Cause continues to work with coalition partners like Move to Amend, Public Citizen, and People for the American Way to educate and mobilize citizens across the country in support of an amendment. We're mounting a coordinated effort to achieve more than 100 new local resolutions during the week of June 11, which we've named Resolutions Week.

To help activists in this grassroots effort, Common Cause delivers weekly Call to Action emails to voters who have volunteered to lead the movement in their towns. Throughout the summer, we will offer training calls and webinars to give activists more resources to reclaim their local democracies.

www.Amend2012.org | www.Facebook.com/Amend2012 | @Amend2012



PUTTING ALEC IN THE SPOTLIGHT

A recent article in TIME Magazine described the American Legislative Exchange Council like this:

ALEC, a tax-exempt group operating under the 501(c)(3) section of the IRS code, bills itself as “a nonpartisan membership association for conservative state lawmakers” interested in “limited government, free markets, federalism and individual liberty.” It convenes policy task forces and drafts model bills that can be introduced in state legislatures nationwide. For a modest membership fee, conservative legislators gain access to the group’s resources. Think of ALEC’s prepackaged and prelawyered legislation as Swanson TV dinners: all you need is a majority vote to reheat it, and it’s ready to serve. The result: similarly flavored bills in statehouses across the country.

Common Cause continues to lead a legislative, legal, and media campaign to change the flavor of ALEC’s pay-to-play legislation.

CORPORATE REFORM EFFORTS

After we published a list of ALEC’s known member corporations, we began a media campaign to encourage those corporations to leave ALEC. Coordinating with the advocacy group Color of Change, our goal is to let corporations know that membership in ALEC is neither good business nor responsible corporate citizenship.

Dozens of corporations have bowed to public pressure and dropped their memberships in ALEC. The defectors include major brands such as PepsiCo, Coca-Cola, Kraft Foods, Intuit Inc. (maker of TurboTax and QuickBooks), McDonald’s, Wendy’s, Mars Inc., Blue Cross Blue Shield Association, Yum! Brands (Taco Bell, Pizza Hut and KFC) and Procter and Gamble.

IRS WHISTLEBLOWER COMPLAINT

Common Cause also filed a whistleblower complaint against ALEC with the Internal Revenue Service, challenging the group’s tax-exempt status. ALEC operates under a section of federal tax laws that sharply limits its lobbying. We submitted more than 4,000 pages of evidence – nearly 50 pounds -- that demonstrate beyond debate that ALEC for years has evaded federal taxes by masquerading as a charity and that it has lied to the IRS and the American public about its lobbying activities. We’re asking the IRS to end this charade, cancel ALEC’s tax exemption, collect years of unpaid taxes and “impose necessary penalties.”

“We know [ALEC’s] mission is to bring together corporations and state legislators to draft profit-driven, anti-public-interest legislation, and then help those elected officials pass the bills in statehouses from coast to coast,” said Common Cause’s Bob Edgar. “If that’s not lobbying, what is?”

STATES CALL FOR INVESTIGATIONS

The whistleblower complaint has expanded to the state level, as 37 states have filed letters asking their Attorneys General to investigate ALEC’s compliance with state tax, gift and lobbying laws. Everyday Americans shouldn’t have to subsidize ALEC’s agenda to limit voting rights, undermine our public schools, spread Stand Your Ground gun laws, and weaken laws protecting our environment.

Work continues to expose ALEC’s secrecy and subterfuge and it’s getting harder for ALEC to defend its profit-driven legislative agenda.



“KEEP UP THE GOOD WORK”

Every day at Common Cause we hear from many Americans whose voices we are working to amplify in our nation’s government. Your comments and support that make it possible for us to continue doing this work we all value. Here are some of the kind words shared recently.

“Congratulations on your bold and much needed action on the integrity of SCOTUS. You have a lot of support from concerned citizens.” [Miles S.](#)

“I was glad to hear your voices at the capitol. Thank you for stepping up and making your voices heard and fighting for those who have no voice in our congress. I feel we are in grave danger from these people who vote against the least of us!” [Barbara K.](#)

“We have just contributed \$100 to Common Cause because we read this morning in The New York Times that you are fighting to bring to light the Koch brothers’ political activities. Thank you for your vigilance.” [Janice S.](#)

“Wow! Can’t thank you enough for placing this into our attention and for serving notice on the not so “Supreme” court. I look forward to reviewing your web site and contacting local affiliates, as well as determining what sort of financial support I can commit to.” [John G.](#)

“I saw Bob Edgar on the Rachel Maddow show tonight and immediately went to your website to do my part in taking action on issues I care about. Thank you for what you are doing: Koch Brothers, Scalia/Thomas, filibuster are all issues I care about. I am also subscribing to action alerts.” [Annie R.](#)

“I was a member years ago and the important work that you are doing may move me to become a member again. So many things are happening that threaten our Democracy and how business is conducted in Congress. It is reassuring to know that you exist!” [Jeanne S.](#)

helping citizens make their
voices heard in Washington



Restoring Majority Rule in the Senate

I spent 12 of the most interesting years of my life in Congress and I grew to love the place. I was fortunate to work with people of good will and good ideas in both political parties; service was particularly satisfying when we were able to cross Washington's partisan divide to help move the country forward.

Sadly, those moments are rare these days. Ideological purists in both parties appear to have taken control of Congress and of the national dialogue. Voices of moderation and conciliation are being drowned out on the airwaves and inside the Capitol; critical problems are going unaddressed.

Things are especially bad in the Senate. Both parties have figured out that the minority, currently the Republicans, can use the filibuster rule to pretty much shut the place down.

Here's how the obstructionists work. To begin debate on a bill, senators must first adopt a "motion to proceed." But debate on that motion, as on most everything else that comes before the Senate, is unlimited unless at least 60 senators vote to end it. That means a minority of as few as 41 can block any action simply by refusing to permit a vote on the motion to proceed.

Thus the filibuster does not extend debate, which is its supposed purpose. Instead, it stops debate.

In recent years, filibusters have prevented senators from acting on presidential nominations for judgeships and other offices, as well as bills to hold down interest rates on student loans, force the rich to pay their fair share in income taxes, and end tax subsidies to oil companies. Rather than debating bills and exchanging ideas on the floor, in view of the public and press, senators are pushed by the filibuster into back room deal-making sessions to get a vote on even the most routine legislation.

When the 111th Congress opened last year, the filibuster rule even denied my friend Sen. Tom Udall (D-NM) a chance to make the case for filibuster reform to his colleagues; the minority used the filibuster rule to block discussion on Udall's proposal to change the rule.

Simply put, that's unacceptable. It's an affront to our democracy and not the way the Senate was supposed to work. And it has real consequences for real people. That's why Common Cause has filed suit to stop it.

Our lawsuit argues that the Constitution sets out super-majority requirements only in special cases, to override a presidential veto or ratify a treaty, for example. It does not permit the Senate to require more than a simple majority just to begin debate; and the Supreme Court already has said that a legislative body's rules cannot conflict with the Constitution.



Bob Edgar, President and
CEO of Common Cause

Congressional plaintiffs in our suit include Reps. John Lewis, D-GA, Michael Michaud, D-ME, Hank Johnson, D-GA, and Keith Ellison, D-MN.

Our other plaintiffs are three young people who recently put themselves through college, graduating with honors, after being brought to America by immigrant parents. They are eager to assume the rights and responsibilities of adulthood and of U.S. citizenship; one even wants to join the brave Americans who daily put their lives on the line in the Marine Corps.

But their path ahead has been blocked by the Senate's refusal to debate and vote on a bill, the DREAM Act, that has passed the House and is supported by a majority of senators.

The filibuster also is denying justice to tens of thousands of Americans. Twelve of President Obama's nominees for vacant federal judgeships, all with bipartisan support and nominated in states where the backlog of pending cases is so large that court administrators have declared a "judicial emergency," are being kept off the Senate floor by filibustering senators.

We had hoped that an agreement worked out by Sens. Reid and McConnell, the Senate Democratic and Republican leaders, at the beginning of this Congress in January 2011 would go a long way toward solving the filibuster problem. The Reid/McConnell arrangement has had little effect however, and the Senate remains too often hamstrung.

Open and at times extended debates are a Senate tradition worth preserving. There is no basis for the claims, made by some filibuster defenders, that reform of the filibuster rule would permit the majority in the Senate to run roughshod over the minority. In today's Senate, it's the few who are running roughshod over the American people. If the Senate won't address the problem, the courts must.