



Written by [Warren Mass](#) on January 22, 2016

Clinton Calls for Constitutional Amendment to Reverse Citizens United and “Reclaim Democracy”

In a commentary posted by CNN on January 21, former Secretary of State and presidential candidate Hillary Clinton called for Americans to “reclaim our democracy, reform our distorted campaign finance system and restore access to the ballot box in all 50 states.”

In her highly partisan opinion piece, Clinton proposed that the path to “reclaim[ing] our democracy” starts with reversing the Supreme Court’s 2010 *Citizens United* decision, which prohibited the federal government from restricting independent political expenditures by nonprofit corporations.

Clinton has a personal reason for ruing that decision because *Citizens United*, the conservative non-profit that was the plaintiff in the case (*Citizens United v. Federal Election Commission*), had been banned by the U.S. District Court for the District of Columbia from advertising the film *Hillary: The Movie* (which was critical of Clinton). The district court had claimed that Citizens United’s actions were in violation of the 2002 Bipartisan Campaign Reform Act (BCRA, the McCain-Feingold Act) that defined any broadcast, cable, or satellite communication that mentioned a candidate within 60 days of a general election or 30 days of a primary, as an “electioneering communication.”

Citizens United appealed the decision and the Supreme Court reversed it — striking down those provisions of BCRA that prohibited corporations (including nonprofit corporations) and unions from making independent expenditures and “electioneering communications.”

The decision has evidently bothered Clinton all this time, since in her article she wrote: “Six years ago Thursday, the Supreme Court’s decision in *Citizens United* transformed our politics by allowing corporations to spend unlimited amounts of money to influence elections.”

Using faulty logic (*post hoc, ergo propter hoc*) Clinton asserted that the Republican Party’s capture of “both the governor’s mansion and the state legislature in 36 states — the most since the 1950s” was a direct consequence of *Citizens United*.

In writing the majority opinion for *Citizens United*, Justice Anthony Kennedy noted: “If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech.”

Clinton, however, evidently believes that associations of citizens that engage in political speech that threatens Democrats in elections should be fined or jailed.

Clinton’s article included a link to her “comprehensive plan” for changing campaign finance regulations. Key parts of her plan, should she be elected president, include appointing Supreme Court justices who will reverse *Citizens United* and “and other wrongheaded campaign finance court decisions.”

She furthermore advocates amending the Constitution to allow “Americans” (that is, the federal government) to impose “common sense rules to protect against the undue influence of billionaires and special interests and to restore the role of average voters in elections.”



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Clinton also proposes providing matching funds for small donors, the cumulative effect of which might make the federal government — the taxpayers — the largest campaign donor of all.

Another part of Clinton's opinion piece, under the subhead "Make it easier to vote," proposed eliminating common-sense procedures put in place by the states to ensure that everyone who casts a vote is qualified to do so. Among the more troublesome proposals Clinton advocates is: "All Americans should be automatically registered to vote on their 18th birthdays, unless they opt out."

The most obvious downfall of such a system is that it does not provide for local election officials to determine voter eligibility of every person who is automatically registered (presumably by using computers to match voter registration lists with other databases such as driver's licenses). How can such computers weed out citizens from non-citizens, for example? An alien who is here legally on a visa may be eligible to obtain a driver's license but is still ineligible to vote. And, in some jurisdictions, even those who are here illegally have been given driving privileges, further ruling them out as voters.

The Democratic Party has traditionally done well among recently arrived immigrants to America, who at one time were mostly legal immigrants but who now number many illegal aliens among them. This success can largely be attributed to the fact that the immigrant population tends to be less educated than the general population about such subjects as American history and the principles of self-government, and therefore more susceptible to campaign rhetoric based on promises of government benefits instead of statesman-like appeals to preserve our Constitution and separation of powers. Someone who has immigrated from a one-party nation without such a tradition of constitutional self-government is likely to find arguments based on constitutionalist principles to be purely theoretical at best, and incomprehensible at worst.

And it is not only the immigrant who is a loss to understand our form of government. The very fact that Clinton's essay is heavy with reference to "our democracy" is indicative of just how poorly even most native-born Americans understand our history and the form of government that our Founding Fathers established.

It is no longer unusual for our political leaders to refer to our nation as a "democracy." President Obama did so in his recent State of the Union address, stating that "democracy does require basic bonds of trust between its citizens," "democracy breaks down when the average person feels their voice doesn't matter," and "Our brand of democracy is hard."

Even Republicans are not immune from such an inaccurate description of our form of government. In the last Republican presidential debate, New Jersey Governor Chris Christie, in criticizing Obama's desire to do things without working with Congress and without getting the consent of the American people, said: "And the fact is that that's not a democracy. That's a dictatorship."

The problem is, so many Americans who have not been properly educated about the history and origins of our nation believe those are the only two choices: democracy or dictatorship.

This Hobson's Choice fails to consider that democracy, the rule of the majority, can be as oppressive as any overt dictatorship. One term coined to describe this oppressive majority rule is "dictatorship of the proletariat." In an 1852 letter to the communist journalist Joseph Weydemeyer, who had published an article entitled "Dictatorship of the Proletariat" in a German language newspaper earlier that year, Karl Marx wrote:

Long before me, bourgeois historians had described the historical development of this struggle between the classes, as had bourgeois economists their economic anatomy. My own contribution



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was (1) to show that the existence of classes is merely bound up with certain historical phases in the development of production; (2) that the class struggle necessarily leads to the *dictatorship of the proletariat*; [and] (3) that this dictatorship, itself, constitutes no more than a transition to the abolition of all classes and to a classless society. [Emphasis added.]

Many years before Marx, however, our Founding Fathers warned against the pitfalls of democracy and made very clear that the new government they were establishing was a republic.

John F. McManus, president emeritus of The John Birch Society, thoroughly explained the differences between a republic and a democracy and our Founders' commitment to the former in his article, "[A Republic, if You Can Keep It](#)," which appeared in our magazine's November 6, 2000 issue.

The title was a quote from Benjamin Franklin, who described the form of government he and his colleagues at the Constitutional Convention of 1787 had just established in answer to a question posed by a woman of Philadelphia: "Well, Doctor, what have we got, a republic or a monarchy?"

Thos choices were at least preferable to a democracy or a dictatorship!

As for what's wrong with a democracy, let us allow some of our Founders to provide the answer:

Virginia's Edmund Randolph reminded his colleagues during the early weeks of the Constitutional Convention that the purpose for which they had gathered was "to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and trials of democracy."

John Adams, a signer of the Declaration of Independence and our second president, supported the new Constitution in Massachusetts precisely because it would not create a democracy. "Democracy never lasts long," he noted. "It soon wastes, exhausts and murders itself." He noted that history shows "There was never a democracy that 'did not commit suicide.' "

Alexander Hamilton said in a June 21, 1788 speech urging ratification of the Constitution in New York: "It has been observed that a pure democracy if it were practicable would be the most perfect government. Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure deformity."

At the Constitutional Convention the previous year, Hamilton had stated: "We are a Republican Government. Real liberty is never found in despotism or in the extremes of Democracy."

And James Madison, often called the "Father of the Constitution," wrote in *The Federalist*, No. 10: "Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives as they are violent in their deaths."

Hillary Clinton calls for "reclaiming our democracy." Americans should, instead, look for statesmen committed to preserving our republic — and the Constitution that established it.

Photo of Hillary Clinton: AP Images

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