



Obama Biden Watch



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www.obamabidenwatch.org
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How the Citizens United Ruling Freed Political Speech

*As printed in The Washington Post on January 21, 2011.
By David N. Bossie and Theodore B. Olson*

One year ago today, the Supreme Court issued its landmark decision in *Citizens United v. Federal Election Commission*. It upheld the First Amendment rights of individuals acting through corporations and labor unions to participate in our political process, and it struck down an oppressive thicket of statutes restricting - and even criminalizing - their political speech.

The case arose in 2007, when Citizens United, a grass-roots membership organization, sought to broadcast a film critical of Hillary Clinton, then a candidate for president. The Federal Election Commission deemed the film too critical to be shown in the weeks before an election; if Citizens United had broadcast it, its officers would have been subject to prosecution and potential imprisonment for up to five years. The Supreme Court struck down this prohibition of corporate and labor union election-time speech about candidates as a violation of the First Amendment. To the court's majority, it was "stranger than fiction for our Government to make . . . political speech a crime."

Stranger still were the unwarranted attacks against the Supreme Court that followed. Most visibly, the president used his State of the Union address to accuse the court of having "reversed a century of law" and "open[ed] the floodgates for special interests - including foreign corporations - to spend without limit in our elections." That statement was astonishing because none of it was true: The oldest decision reversed by *Citizens United* was 20 years old, not 100, and foreign corporations are prohibited from participating in elections, just as they were before. As for "special interests," many had been spending at an equally furious rate, apparently unnoticed by the president, well before this ruling.

Still, the attacks continued: Sen. Charles Schumer

accused the court of attempting to "predetermine the outcome of next November's elections," handing them to "Corporate America and other special interests." And when the November elections brought grim tidings to many Democratic officeholders, those candidates blamed not themselves nor their unpopular policies but the court. "Clearly the *Citizens United* decision decided this race," said a freshly defeated Rep. Dan Maffei. Sen. Arlen Specter went so far as to blame Citizens United not only for his rejection at the ballot box but also for "effectively undermining the basic democratic principle of the power of one person, one vote."

Serious charges, but as the justices wrote in *Citizens United*, "[r]hetoric ought not obscure reality." So what is the reality?

Without question, *Citizens United* has enabled citizen organizations (curiously and disparagingly labeled "outside groups") to assume a larger role in electoral politics. According to the nonpartisan Center for Responsive Politics, citizen groups spent \$296.4 million in the 2010 election cycle - slightly less than the \$301.7 million spent by such groups in 2008, but more than four times the \$68.9 million spent by comparable organizations in the 2006 midterm elections.

Still, the amount citizen groups spent in 2010 pales next to these enormous sums: \$1.35 billion spent by the two major political parties and an additional \$1.8 billion by candidates for Congress. While citizens making independent expenditures increased their election spending to nearly \$300 million in 2010, that remains less than one-tenth of the more than \$3 billion spent by political parties and their candidates.

So why all the hysteria from incumbents? Perhaps because independent spending by citizens has shifted away from Democratic

Continued on the next page...

candidates. In 2006, liberal interest groups tracked by the Center for Responsive Politics outspent conservative interest groups by a 2-to-1 margin. By 2010, the trend had reversed, and conservative groups were outspending the liberal groups 2 to 1.

We suspect that what most upsets incumbent politicians about *Citizens United* is not the fact that conservative groups temporarily have gained the upper hand in independent spending. (Does anyone really think labor unions will not try to even the score in 2012?) Instead, what most bothers the political class is that the speech that surged in 2010 was independent. Politicians could not control the message, so they vilified such speech as "unaccountable." Indeed, the Democratic majority was so unnerved that it cobbled together legislation to make such independent speech as burdensome as possible, complete with a misleading mom-and-apple-pie title: the Disclose Act. But this effort to stifle debate unraveled when it was disclosed that the bill included exceptions favoring powerful interest groups.

As the Supreme Court has ruled, Congress should get out of the business of picking winners and losers in the marketplace of ideas and placing its thumb on the scale of federal elections. In *Citizens United*, the court reminded us that when our government seeks "to command where a person may get his or her information or what distrusted source he or she may not hear, it uses censorship to control thought." The government argued in *Citizens United* that it could ban books advocating the election of a candidate if they were published by a corporation or labor union. Today, thanks to *Citizens United*, we may celebrate that the First Amendment confirms what our forefathers fought for: "the freedom to think for ourselves."



David N. Bossie is president of Citizens United. Theodore B. Olson was lead counsel for Citizens United in its lawsuit against the FEC.

In this Issue

How the Citizens United Ruling Freed Political Speech
Pg. 1

We Do Big Things
Pg. 3

We Do Small Things
Pg. 4

Citizens United Productions Presents
Pg. 5

CPAC Film Festival Schedule
Pg. 6 & 7

Final Thoughts
Pg. 8

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We Do Big Things

This year President Obama struck a different tone in his State of the Union address than he did previously. Rather than attacking the Supreme Court, President Obama attempted to portray himself as a moderate, willing to work with Conservatives. While his rhetoric now endorses fiscal discipline, his actions certainly do not. President Obama closed his State of the Union address by noting that “we do big things.” In truth, we do expensive things.

Our national debt has ballooned to \$14 trillion. That’s **\$14,000,000,000,000.00!** The Democrat Congress failed to pass pro-growth economic policies to actually create jobs in our country, but they did succeed in taking control of 16% of our nation’s economy by passing Obamacare. The American people wanted real results, real jobs, and a real economic turnaround. We saw this in action at the ballot box last November. Americans overwhelmingly rejected the liberal spending policies of President Obama, former Speaker Nancy Pelosi, and Senator Harry Reid.

President Obama also fought for the American Recovery and Reinvestment Act of 2009 – better known as the “Stimulus.” In truth, Obama’s stimulus cost us \$787 billion—almost \$1 trillion—that have been poorly spent with little to no accountability or results. Despite the stimulus unemployment currently stands at 9%. Many localities are awakening to the fact that the stimulus money they accepted has created continuing obligations that will not be funded by the federal government.

With our debt and deficit at their current levels, even President Obama must realize it’s time for a change. In his State of the Union, President Obama admitted as much by calling for a five year freeze on domestic spending. He has-

n’t gone far enough -- while it is important that we do not continue spending money we do not have, at this time bolder action is needed to reduce, not maintain, our spending.

While he calls for a domestic spending freeze, President Obama still has big plans for your tax dollars. For example, in the 2011 State of the Union he called for a national system of high speed trains that will reach 80% of all Americans. Let’s be honest, nobody rides our railways. With the exception of the Northeast corridor, our passenger railways don’t come close to making a profit. While high-speed rail may hold some allure and mystique that regular speed rail (or during winter months, sluggish, slow-motion, delayed rail) does not. Can we really put any faith in its ability to attract passengers and prove to be a wise investment.? If high-speed rail were really a market that is underserved, the private sector would be scrambling to provide it.



President Obama glosses over how expensive all of these “big things” are at the 2011 State of the Union address

President Obama does big things -- he doesn’t mention they’re expensive things that our country cannot afford.

We Do Small Things

While President Obama boasts that “we do big things,” his White House has focused on doing small, petty things. The White House bully pulpit should be used to advocate for policies to benefit the American public. Instead, the Obama Administration has used the office to attack its “enemies,” as President Obama has termed them.

The Media

The White House has aggressively used the bully pulpit to attack and intimidate those in the media who dare to offer a dissenting viewpoint. These bullying tactics include singling out talk show hosts and engaging in vicious campaigns against them. Press Secretary Robert Gibbs has targeted Rush Limbaugh, Jim Cramer, and Rick Santelli.

The Obama Administration has also attacked Fox News calling it “a wing of the Republican Party.” While serving as White House Communications Director, Anita Dunn used her position to extract revenge on Fox News for a grudge she still holds against the network for its coverage of the Obama campaign.

Now, focused on re-election, we’re seeing the White House shuffle its staff. Gibbs will leave the Administration. His replacement is former Time Magazine reporter Jay Carney. Maybe now the briefings will strike a more civil tone.

The Chamber of Commerce

At the height of the Obamacare debacle, the White House wasn’t winning on the issues. The American people were skeptical, at best, of the President’s plan to co-opt our healthcare system. The Chamber of Commerce, a trade association that represents American businesses and employers, raised legitimate criticism and concerns over the proposed legislation. This inspired the

anger of the Obama Administration and led to a public rebuke from the President himself. He attacked the Chamber, calling their advertisements “completely false” and criticizing their policy proposals and impact.

Rather than respond to the Chamber’s concerns, he engaged in petty warfare against the business community. Only now that the Obama White House is gearing up for a re-election campaign has Obama shifted gears. He’s brought on an allegedly pro-business Chief of Staff, William Daley, and has been making efforts to engage the business community.

Citizens United and the Supreme Court

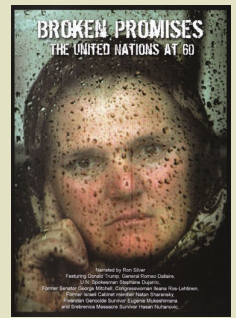
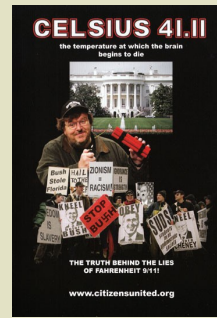
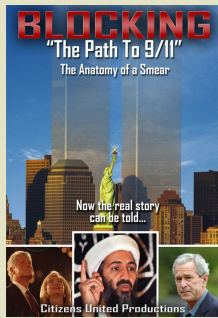
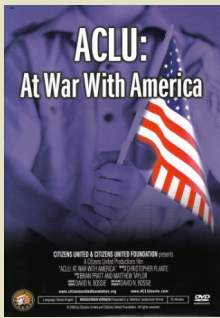
During his first State of the Union address, President Obama launched an unprecedented attack on the Supreme Court. Fresh on the heels of the Court’s decision in *Citizens United v. FEC*, President Obama took its members to task, on national television, in a forum where they could not defend themselves. In the weeks and months that followed, President Obama continued to make false claims regarding the decision and sought to demonize groups daring to exercise their First Amendment rights in the wake of the decision. President Obama railed against groups like Citizens United, Americans for Prosperity, and the Chamber of Commerce, while attending liberal fundraisers.

The White House and the Presidency are symbols of our American form of government. To use the office to wage war against one’s perceived “enemies” is inappropriate. The fact that the Obama Administration is trying to change its image in this regard, with a Presidential election coming up, is telling.

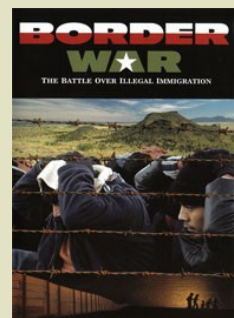
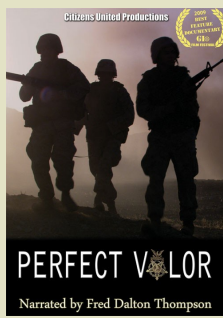
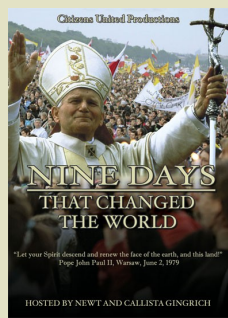
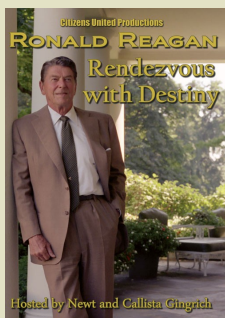
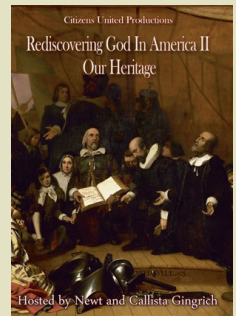
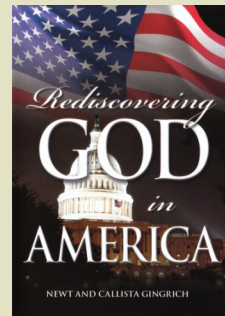
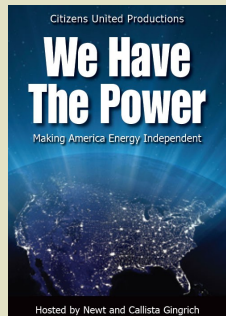
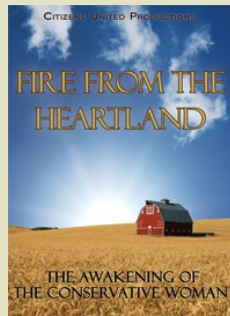
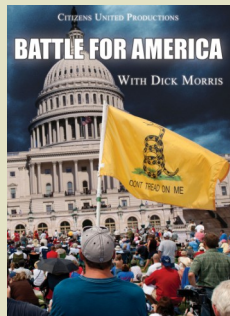
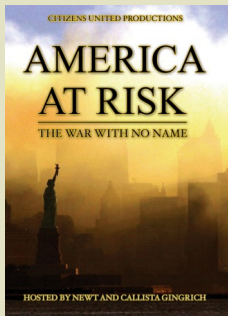
Citizens United Productions Presents

Citizens United is hosting the 2nd annual Film Festival this year at CPAC! Come to our booth and check out all of the films that we have available at special sale prices only for CPAC:

These films are just \$5.00 each!



For these films: Buy 1 for \$15; 2 for \$25; or buy 3 and get 1 FREE for \$45



For more information about our new films going into production in 2011, check us out on:
Website: www.CitizensUnited.org
Facebook: www.Facebook.com/CitizensUnitedDC
Twitter: [@Citizens_United](https://twitter.com/Citizens_United)

CPAC Theater Schedule - Sponsored By Citizens United Productions
—Delaware Ballroom—

Thursday February 10

11:00 am - *Iranium*

(Presented by Clarion Fund, Explores the dangers posed to the United States and the international community by a nuclear Iran)

12:00 - 12:30 pm - *Iranium* Question & Answer session

1:00 pm - 1:45 pm - Blogger lunch with Citizens United Productions President **David N. Bossie** & short video presentation: *David v. Goliath: The One Year Anniversary of Citizens United v. Federal Election Commission* (Credentialed Bloggers Only)

2:00 pm - *America At Risk: The War With No Name**

(Live introduction by co-hosts **Newt and Callista Gingrich**)

3:45 - 4:30 pm - Citizens United Reception with **Speaker Newt Gingrich and Callista Gingrich**

5:00 pm - *Battle For America **

(A call to action by Dick Morris to take back our country)

7:00 pm - *Perfect Valor **

(A patriotic salute to Iraq war heroes, narrated by Sen. Fred Thompson)

9:00 pm - Citizens United Productions Double Feature, *Rediscovering God In America I & II **

(The critically acclaimed series, hosted by Newt and Callista Gingrich)

Friday February 11

9:30 am - *We Have The Power **

(Making America energy independent, hosted by Newt and Callista Gingrich)

11:00 am - *Border War: The Battle Over Illegal Immigration **

(An inside look at the ongoing crisis)

1:30 pm - *Fire From The Heartland **

(The Awakening of the Conservative Woman, Live introduction by co-star **Rep. Michele Bachmann**)

Continued on the next page...

3:30 pm - *Fire From The Heartland* co-star **Phyllis Schlafly** delivers remarks to CPAC theater audience

3:45 pm - 4:30 pm - **Panel Discussion: The Awakening of the Conservative Woman**, co-sponsored by Citizens United and Clare Boothe Luce Policy Institute

8:00 pm - **President Ronald Reagan 100th Birthday Celebration**, co-sponsored by Citizens United and Young America's Foundation

Screening of Ronald Reagan short film: *Still Point in a Turning World*, Live introduction by **Governor George Allen** and Kate Obenshain

Presentation of President Ronald Reagan 100th birthday cake, by **Carlo's Bake Shop** from the hit television show "**Cake Boss**"

Screening of *Ronald Reagan: Rendezvous With Destiny**, hosted by Newt and Callista Gingrich, Live introduction by **Governor George Allen** and David N. Bossie

Saturday February 12

9:00 am - *Nine Days That Changed The World **

(Pope John Paul II's 1979 pilgrimage to Poland and his role in the fall of Soviet Communism, hosted by Newt and Callista Gingrich)

10:30 - 10:45 am - *Nine Days That Changed The World* Question & Answer session

11:00 am - *The Ground Zero Mosque: Second Wave of the 9/11 Attacks*, Executive Producer Pamela Geller/Associate Producer Robert Spencer)

1:15 pm - *Sick And Sicker*

(When the government becomes your doctor, a film by Logan Darrow Clements)

2:15 pm - 2:45 pm - *Sick And Sicker* Question & Answer session

3:00 pm - *Doonby*

(Every story's worth telling, every life's worth living, starring John Schneider and Robert Davi, written and directed by Peter Mackenzie, Live introduction pending)

5:00 - 5:30 pm - *Doonby* Question & Answer session

* A Citizens United Productions Film

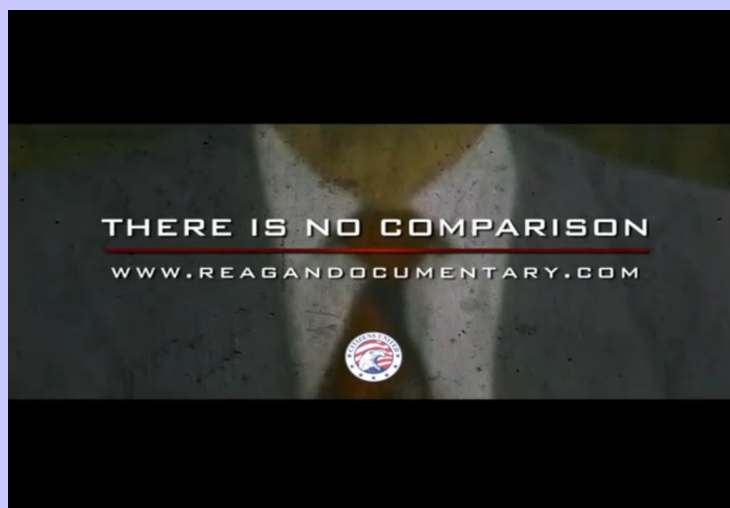
FINAL THOUGHT FROM
CITIZENS UNITED PRESIDENT
DAVID N. BOSSIE

Dear Friend,

Soon-to-be White House Press Secretary Jay Carney's former employer Time Magazine has given President Obama a big thank you gift last week. Not only is President Obama on the cover of Time Magazine for the 24th time in a little more than four years, but the editors are trying to portray Obama as the next Ronald Reagan. President Obama and President Reagan are polar opposites in both politics and style. For a struggling magazine, I guess putting Reagan on the cover is the only way to sell some copies. Time Magazine and the left will stop at nothing to prop up President Obama's sagging presidency. Just over two years ago, Time portrayed President Obama as the next FDR on the cover of the magazine, but after the failure of Obama's big government agenda, Time is jumping to have Obama reflect the country's more conservative mood. These ploys are pathetic and desperate.

President Reagan served his country with a grace and style that cannot be matched, especially by the current occupant of the White House. He stood up to the Soviet Union by calling them the "evil empire" and courageously implored General Secretary Mikhail Gorbachev to "tear down this wall." President Obama used his most recent State of the Union address to tell us how great communist China is and how Americans are lagging behind the Chinese in innovation. President Obama does not believe in American Exceptionalism. If he did, he would not have said "... America has shown arrogance and been dismissive, even derisive." President Reagan believed America was a "shining city on the hill" and that it was always morning in America.

Citizens United has produced a short video showing that there is no comparison between Presidents Ronald Reagan and Barack Obama. Both men may share the same title, but they view America and the world quite differently. The difference is pretty stark when you hear Reagan and Obama speaking about America. Can you imagine a circumstance in which President Reagan would criticize America in a speech overseas?



There is no comparison between former President Reagan and President Obama. Go to www.CitizensUnited.org to see the whole spot! The Ronald Reagan documentary can be purchased at www.ReaganDocumentary.com

As Americans celebrate the centennial anniversary of President Reagan's birth, please share this important video that tells the truth about Reagan and Obama with your family and friends. Time Magazine has gotten it wrong once again. President Reagan's legacy will only continue to grow more prestigiously, while President Obama's will continue to go downhill.

Sincerely,
David N. Bossie