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The Honorable Dick Durbin
Chair, Subcommittee on the Constitution, Civil Rights and Human Rights
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

July 11, 2012

On behalf of Ben & Jerry's Homemade, Inc., I write to express our Company's strong support for a Constitutional amendment that would overturn the *Citizens United v FEC* decision and create a more democratic system of campaign finance in the United States. I thank the Chairperson and the subcommittee for calling this hearing and receiving this testimony.

Ben & Jerry's is a Vermont corporation and a wholly-owned subsidiary of Unilever, a multinational consumer products company. Ben & Jerry's manufactures and markets packaged ice cream and frozen yogurt products in the United States and more than 30 other countries around the world. In addition, Ben & Jerry's has franchised scoop shops in more than 400 locations in the United States and around the world.

Ben & Jerry's is guided by a mission statement with three parts: Product, Economic, and Social. Our Social Mission in particular calls us to use our Company to improve the quality of life in the local, national, and global communities in which we operate. In addition, our Company has a long history of supporting grassroots efforts to promote social and economic justice, sustainable environmental practices, and strong communities. I submit this statement today guided by our Company's Social Mission and in a sincere effort to add our voice in support of the growing movement of citizens across the country who are working to reclaim the original spirit of democracy as envisioned by our country's founders. This spirit of democracy, as we understand it, is that the elected representatives who govern our country are accountable to the people alone.

In the interest of full disclosure, as a matter of long-standing Company policy, neither Ben & Jerry's nor our parent company, Unilever, contributes Company funds to political candidates, political parties, or organizations established to support candidates or parties. We do not have a Political Action Committee and we do not contribute to Super PACs.

Since we are not experts on the subject of campaign finance, we will leave it to others to document the specific harms caused by the current system of campaign finance. We certainly share the concerns of many citizens, public interest groups, and advocates of good government in the United States that the existing system of campaign finance is broken. It is clear that, through Political Action Committees, SuperPACs, political parties, nonprofit 501 c(4) groups, and other vehicles, many campaigns are now fueled primarily by large contributions and independent expenditures from a very small number of donors who essentially operate without meaningful campaign finance limits or disclosure requirements. This has created a system in which many of our elected leaders are dependent upon financial support from the wealthiest interests; are eager to support policies that benefit these interests; are loathe to

support any policy that challenges these interests; are no longer fully accessible to or accountable to the citizens they represent; and are therefore impaired in their ability to formulate policy that is exclusively focused on the common good. While wealthy donors and corporate interests have frequent access to elected leaders, the general public does not even know who is financing the political messages they see and hear. In short, the system of campaign finance has become profoundly undemocratic; and democracy itself is now in danger.

Ben & Jerry's believes it is not the proper role of any for-profit company to interfere in any way in elections for public office. These elections belong to the people. They exist only to allow citizens to choose their representatives in government. Corporate spending in elections, including direct contributions to candidates and political parties, independent expenditures, or contributions to nonprofit 501 c(4) groups, are in our view, inconsistent with the spirit and intent of candidate elections. Therefore, we would support an amendment to the Constitution that would restrict or ban corporate spending in elections, or that would allow Congress and state legislatures to restrict or ban corporate spending in elections.

There are many for-profit corporations that share our view. Ben & Jerry's is a signatory to a campaign called Business for Democracy, which includes more than 2,000 businesses and business leaders who have endorsed the following statement:

We believe in the American democratic ideal of "government of the people, by the people, for the people."

We believe the U.S. Supreme Court's *Citizens United v. FEC* decision, which allows corporations to spend unlimited money influencing the outcome of public elections, is inconsistent with longstanding American democratic principles and practice.

We believe it is not the proper role of any for-profit corporation to support or oppose political parties or candidates for public office.

Despite the *Citizens United* decision, we call on all companies doing business in the United States to refrain from spending money for the purpose of influencing the outcome of public elections.

We support citizen efforts to overturn *Citizens United* through a Constitutional amendment. We believe this Constitutional amendment should not limit commercial free speech or prevent corporations from publicly expressing a point of view on existing or proposed legislation, regulation, referenda or other matters of public policy.

We recognize that corporate spending in elections is only part of the campaign finance problem. Additional reforms should also be considered to minimize the influence of wealthy interests in public elections. In our view, ALL entities and individuals should be subject to reasonable limits on contributions to candidates for public office; ALL entities and individuals should be subject to reasonable limits on independent election expenditures; and ALL entities and individuals should be required to fully disclose all spending in elections. This approach would be most closely in keeping with the spirit of democratic elections, as we understand them. Ben & Jerry's would support passage of an amendment or amendments to the U.S. Constitution that create and/or allow for these reforms.

In summary, we support citizen efforts to restore true democratic government in the United States through meaningful and comprehensive campaign finance reform. We support passage of a Constitutional amendment or amendments to enable this reform. We want the subcommittee to understand that there are many businesses, including ours, that are fully aligned with citizen efforts in this direction.

Thank you for your consideration of our point of view.

Respectfully submitted,



Jostein Solheim
CEO
Ben & Jerry's Homemade, Inc.