

**12-G-13**

**I move to approve a letter to the 21<sup>st</sup> Delegation urging them to sign the Maryland General Assembly letter to the U.S. Congress which calls for a constitutional amendment to reverse the Supreme Court decision in the *Citizens United v. Federal Election Commission* case.**

**Discussion:**

The *Citizens United v. Federal Election Commission* (2010) case holding stated that political spending is a form of protected speech under the First Amendment and the government may not prohibit corporations or unions from spending money to support or denounce individual candidates in elections. While corporations or unions may not give money directly to campaigns, they may seek to persuade the voting public through other means, including ads. This Supreme Court decision impacts all levels of government, thus our delegation should support the submission of the letter.

Senator Raskin is leading the charge to have supportive members of the Maryland General Assembly sign the letter. Through our letter, we are asking our 21<sup>st</sup> Delegation to sign the letter and encourage other members of the Maryland General Assembly to do the same.

**The Maryland General Assembly letter to the U.S. Congress reads as follows:**

To the Honorable Members of the United States Congress:

We, the Undersigned Members of the Maryland General Assembly, call upon you to pass a constitutional amendment to reverse the United States Supreme Court's 5-4 ruling in *Citizens United v. Federal Election Commission* (2010), which declared that corporations enjoy the First Amendment political rights of the people and toppled dozens of state and federal laws and many decades of judicial precedent preventing corporations (and unions) from spending corporate (and union) treasury funds in political campaigns.

This radical departure from judicial precedent and democratic values has already brought a torrent of corporate money, much of it secret, into American politics, fundamentally distorting public elections and campaigns for public office. The decision poses a direct and dramatic threat to government "of the people, by the people and for the people."

By bringing corporations into the heart of the political process, *Citizens United* changes the character of democracy. For-profit corporations (except benefit corporations) are legally bound to pursue the maximization of profits and economic advantage in all of their endeavors. This is one reason why most United States Supreme Court Justices, from Chief Justice John Marshall to Chief Justice William Rehnquist to Justice Byron White to the four dissenting justices in *Citizens United v. FEC*, have rejected the claim that corporations have political rights.

Corporations enjoy special state-conferred economic and legal advantages not enjoyed by natural persons, including limited liability of the shareholders, perpetual life of the corporation itself, and favorable treatment of the accumulation and distribution of assets. These advantages permit corporations to amass vast sums of money that are spent properly for economic purposes but not for the purposes of intervening in democratic politics and entrenching corporate power.

Article V of the United States Constitution empowers the people, the states and the Congress to use the constitutional amending process to protect republican self-government. This power has repeatedly been used by the people when the Supreme Court has undermined the progress of popular democracy.

As Members of the Maryland General Assembly, we sharply disagree with the majority decision in *Citizens United v. Federal Election Commission* and call upon the United States Congress to propose and send to the states for ratification as soon as is practicable a constitutional amendment to reverse this decision and restore fair elections and democratic sovereignty to the states and to the people.

January 24, 2012

The Honorable James Rosapepe  
State Senator, 21<sup>st</sup> Delegation  
James Senate Office Building, Room 317  
11 Bladen Street  
Annapolis, MD 21401

The Honorable Benjamin Barnes  
State Delegate, 21<sup>st</sup> Delegation  
House Office Building, Room 152

The Honorable Barbara Frush  
State Delegate, 21<sup>st</sup> Delegation  
House Office Building, Room 160

The Honorable Joseline Pena-Melynk  
State Delegates, 21<sup>st</sup> Delegation  
House Office Building, Room 157  
6 Bladen Street  
Annapolis, Maryland 21401

**Re: Support for the Letter to the U.S. Congress Asking for a  
Constitutional Amendment**

Dear Senator Rosapepe, Delegates Barnes, Frush, and Peña-Melynk:

The Mayor and Council of the City of College Park submit this letter asking for each of you to sign the letter to the United States Congress requesting a constitutional amendment to reverse the United States Supreme Court's 5-4 ruling in the *Citizens United v. Federal Election Commission* (2010) case.

The *Citizens United v. Federal Election Commission* (2010) case holding stated that political spending is a form of protected speech under the First Amendment and the government may not prohibit corporations or unions from spending money to support or denounce individual candidates in elections. Although this Supreme Court ruling doesn't allow corporations or unions to give money directly to campaigns, it does allow them to seek to persuade the voting public through other means, including ads.

The Maryland General Assembly letter, organized through Senator Jamin Raskin's office, requests the U.S. Congress to take an active step towards

restoring democracy by reversing the ruling of the *Citizens United* case. We urge you to show your support by signing the letter and by requesting your General Assembly peers to do the same. This Supreme Court decision impacts all levels of government and we appreciate your participation in this national effort to take back our democracy.

Sincerely,

Andrew M. Fellows  
Mayor

Enclosure

cc: The Honorable Jamin Raskin