June 10, 2013

Senator Thomas Carper  
United States Senate  
513 Hart Building  
Washington, DC 20510

Dear Senator Carper,

We, the Undersigned Members of the Delaware General Assembly, call upon you to join your colleagues and pass a constitutional amendment reversing 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 which toppled dozens of state and federal laws and two decades of judicial precedents allowing the regulation of direct corporate (for profit, not for profit, including unions) expenditures related to political campaigns.

There is no more critical foundation to our government than citizens’ confidence in fair and free elections. The Citizens United decision directly undermines this confidence, and was issued in the absence of any evidence or searching inquiry to refute the fair assumption that unbridled and opaque spending in politics harms American democracy. The Citizens United decision holds that our Congress is forbidden from regulating corporate spending related to political campaigns, and undermines critical provisions of the duly enacted McCain-Feingold Act. The United States of America’s elections should not be permitted to go to the highest bidder, and yet this is the risk that rises from the ashes of the Citizens United decision.

This risk must be abated. The Constitution must be amended to make clear the authority of our Congress to regulate expenditures related to political campaigns in a manner consistent not only with principles of freedom and democracy but also with verified facts and outcomes in a quickly-changing, technology-driven world.

Article V of the United States Constitution empowers the people, the states, and our Congress to use the constitutional amendment process to reverse bad Supreme Court decisions that threaten our society. Indeed, this is the only tool available to the American people to reverse bad constitutional decisions.
As Members of the Delaware General Assembly, we sharply disagree with the narrow majority decision in Citizens United v. Federal Election Commission and call upon our United States Congress to propose and send to the states for ratification as soon as is practical a constitutional amendment that reverses this decision, and that makes clear the right of our elected representatives and the American people to be steadfast in pursuit of fair elections and democratic sovereignty.

Very truly yours,

Catherine Cloutier  
State Senator  
5th District

Bruce C. Ennis  
State Senator  
14th District

Bethany Hall-Long  
State Senator  
10th District

Margaret Rose Henry  
Majority Whip  
State Senator, 2nd District

Robert I. Marshall  
State Senator  
3rd District

David B. McBride  
State Senator  
13th District

Harris B. McDowell III  
State Senator  
1st District

Karen E. Peterson  
State Senator  
9th District

Nicole Poore  
State Senator  
12th District

David P. Sokola  
State Senator  
8th District

Bryan Townsend  
State Senator  
11th District

Michael A. Barbieri  
State Representative  
18th District

Paul S. Baumbach  
State Representative  
23rd District

Andria L. Bennett  
State Representative  
32nd District

Donald A. Blakey  
State Representative  
34th District

Stephanie T. Bolden  
State Representative  
2nd District

William J. Carson  
State Representative  
28th District
Debra J. Heffernan  
State Representative  
6th District  

Earl G. Jaques, Jr.  
State Representative  
27th District  

James Johnson  
State Representative  
16th District  

S. Quinton Johnson, IV  
State Representative  
8th District  

Helene M. Keeley  
State Representative  
3rd District  

John A. Kowalko, Jr.  
State Representative  
25th District  

J. Larry Mitchell, Jr.  
State Representative  
13th District  

Michael P. Mulrooney  
State Representative  
17th District  

Edward S. Osinski  
State Representative  
24th District  

Trey Paradee  
State Representative  
29th District  

Charles Potter, Jr.  
State Representative  
1st District  

Michael Ramone  
State Representative  
21st District  

Darryl M. Scott  
State Representative  
31st District  

Melanie George Smith, Esq.  
State Representative  
5th District  

John J. Viola  
State Representative  
26th District  

Rebecca Walker  
State Representative  
9th District  

Dennis E. Williams  
State Representative  
10th District  

Kimberly Williams  
State Representative  
19th District  

cc: Senator Christopher Coons  
Congressman John Carney