

**From:** [Sara Gideon](#)  
**To:** [Dale Olmstead Jr.](#); [Caroline Pelletier](#); [Jim Cassida](#)  
**Subject:** Fwd: Fw: Amending the Constitution to reverse the Citizens United ruling  
**Date:** Monday, May 28, 2012 11:30:52 PM  
**Attachments:** [Resolution \(shortened\) for RB calling for an Amendment to overturn Citizens United -pdf.pdf](#)

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Hi All,  
I'd like to add this proposed resolution to our June 5 agenda. Jim, what do you think?  
Ed Bradley suggested to me and I am interested in proposing.  
Best,  
Sara

In light of the United States Supreme Court's *Citizens United* decision that equates money with speech and gives corporations rights constitutionally intended for natural persons, shall the Town of Freeport vote on June 5, 2012 to urge the Maine Congressional Delegation and the U.S. Congress to propose an amendment to the U.S. Constitution for the States' consideration which provides that **money is not speech**, and that **corporations are not persons** under the U.S. Constitution, to urge the Maine Legislature to pass a similar resolution, and to instruct the Town to send its resolution to our Maine State and Federal representatives within thirty days of passage of this measure?

Some of the cities and towns in Maine passing similar resolutions:

**Stonington, ME**

On Feb. 26, 2012, The town of Stonington, ME passed a resolution opposing the US Supreme Court's interpretation of the Constitution in Citizens United vs. FEC and in support of overturning the decision

**Cranberry Isles, ME**

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**Bangor, ME**

On March 26, 2012, the Bangor City Council passed in a 5-3 vote a resolution calling for a constitutional amendment to overturn the Citizens United decision and stating that corporations are not entitled to the same rights of natural persons.  
<http://bangordailynews.com/2012/03/26/news/bangor/bangor-city-council-debates-constitutional-amendment-resolution/>"

**Amherst, ME**

On Feb. 26, 2012, The town of Amherst, ME passed a resolution opposing the US Supreme Court's interpretation of the Constitution in Citizens United vs. FEC and in support of overturning the decision.

**From:** Andy Cadot <[aacaac73@gmail.com](mailto:aacaac73@gmail.com)>

**Date:** May 21, 2012 10:36:46 AM EDT

**To:** Lisa Hanscom <[lisam\\_alex@yahoo.com](mailto:lisam_alex@yahoo.com)>

**Subject: Answers to Common Questions about Amending the Constitution to reverse the Citizens United ruling**

Hi Lisa:

What is a good time for me to meet with you and the other Selectmen to talk about adding a Resolution to the Town Meeting Warrant? (Many Maine towns and cities have already passed such resolutions.) I will bring a proposed Resolution with me.

Thanks!

Andy

### Why Do We Need a Constitutional Amendment?

The Supreme Court's 5-4 decision in *Citizens United* unleashed a torrent of money into our campaigns. For the first time in more than a century, corporations are now allowed to dip into their shareholders' funds and spend those funds to directly influence federal elections in ways shareholders may not agree with.

This newfound power gives corporations even more sway over public policy than they already have with their armies of hired lobbyists and PAC contributions.

Our democracy is supposed to be of, by and for the people—not of, bought and paid for by special interests.

The Supreme Court wrongly decided in *Citizens United* that corporations have a constitutional right to spend money influencing the outcome of our elections. Although we give corporations certain privileges under law (like limited liability), never before did a Court find a constitutional right for corporations to bankroll electoral campaigns.

While it is possible that a change of Court personnel could lead to a future Court reversing the *Citizens United* ruling, the best way to reverse the Court's holding is to amend the Constitution, just as the people have done 27 times before. An amendment would be a permanent solution, rather than having the Court change our constitution every twenty years as the justices change.

### What Should the Constitutional Amendment Establish?

This amendment should establish two principles:

(1) unlimited spending on politics is not free speech, and  
(2) corporations do not have the same constitutional rights as real people.  
Before *Citizens United*, it had always been common sense that corporations are artificial entities of the state.  
We agree with Justice John Paul Stevens in his dissent to *Citizens United* when he wrote that corporations  
**"are not themselves members of 'We the People' by whom and for whom our Constitution was established."**  
Corporations do not have a constitutional right to vote, and they should not have a constitutional right to spend money influencing our elections.

### How can we pass a Constitutional Amendment?

Although there are two procedures to pass an amendment, only one has been used in practice. It requires two steps. First, each chamber of Congress must pass the amendment by a two-thirds supermajority. Second, three-quarters of the states (38 states) must then ratify the amendment. Completing both steps amends the Constitution.

The other method, which has never been used, is for two-thirds of the states to call for a constitutional convention which would then propose amendments subject to ratification by three-quarters of the states.

[http://www.amend2012.org/atf/cf/{5457e9ec-ef4a-4f33-ba1b-305ff743fdf9}/AMEND2012TOOLKIT\\_FAQ.PDF](http://www.amend2012.org/atf/cf/{5457e9ec-ef4a-4f33-ba1b-305ff743fdf9}/AMEND2012TOOLKIT_FAQ.PDF)

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Hi Ed: Thanks again for the golf today. How was the wind?  
Below are some materials I sent to our Selectman in Roque Bluffs and a proposed Resolution.  
Also attached below is a longer form Resolution that is too wordy...  
Andy

In light of the United States Supreme Court's *Citizens United* decision that equates money with speech and gives corporations rights constitutionally intended for natural persons, shall the Town of Roque Bluffs vote on August \_\_, 2012 to urge the Maine Congressional Delegation and the U.S. Congress to propose an amendment to the U.S. Constitution for the States' consideration which provides that money is not speech, and that corporations are not persons under the U.S. Constitution, to urge the Maine Legislature to pass a similar resolution, and to instruct the Town to send its resolution to our Maine State and Federal representatives within thirty days of passage of this measure?

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> Subject: Answers to Common Questions about Amending the Constitution to reverse the Citizens United ruling

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electoral campaigns.

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- > to amend the Constitution, just as the people have done 27 times before. An amendment would be a permanent solution,
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- > What Should the Constitutional Amendment Establish?

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- > Before Citizens United, it had always been common sense that corporations are artificial entities of the state.

- > We agree with Justice John Paul Stevens in his dissent to Citizens United when he wrote that corporations

- > "are not themselves members of 'We the People' by whom and for whom our Constitution was established."

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- > Although there are two procedures to pass an amendment, only one has been used in practice. It requires two steps. First, each chamber of Congress must pass the amendment by a two-thirds supermajority. Second, three-quarters of the states (38 states) must then ratify the amendment. Completing both steps amends the Constitution.

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[http://www.facebook.com/pages/Sara-Gideon-for-State-Representative/232904033459888?  
sk=wall](http://www.facebook.com/pages/Sara-Gideon-for-State-Representative/232904033459888?sk=wall)



## **Resolution regarding an Amendment to the United States Constitution to overturn *Citizens United v. Federal Election Commission***

WHEREAS, the protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech of persons; and

WHEREAS, Corporations are not people but instead are artificial entities created by the law of states and nations; and

WHEREAS, corporations are not mentioned in the Constitution; and

WHEREAS, for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations and extremely wealthy individuals seeking to evade democratically-enacted reforms; and

WHEREAS, corporate misuse of the First Amendment and the Constitution reached an extreme conclusion in *Citizens United v. Federal Election Commission* (2010); and

WHEREAS, the ruling in *Citizens United* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS, the majority in *Citizens United* rejected the common sense that has guided over 100 years of state and federal efforts to prevent electoral spending from becoming a form of influence buying; and

WHEREAS, the majority in *Citizens United* erroneously presumed that disclosure of corporate expenditures to shareholders and to the public sufficiently exist and can alone sufficiently protect democracy from the purchasing of preferred access to elected officials; and

WHEREAS, *Citizens United* erroneously equated the desire of large corporations to influence political decision-making through massive electoral expenditures with the speech of disadvantaged individuals and groups seeking to make their voices heard; and

WHEREAS, Justice John Paul Stevens' opinion for the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, the *Citizens United* dissent correctly observed that money spent on behalf of candidates is a means of amplifying speech and not a form of political speech itself, and

WHEREAS, as a result of the decision in *Citizens United*, the political spending of corporations and wealthy individuals receives a constitutional presumption of protected status; and

WHEREAS, *Citizens United* has in fact unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS, contrary to the *Citizens United* court's assumption that disclosure would allow for public accountability, half of the drastically increased spending during the 2010 elections was by secretive political committees not required to disclose their donors; and

WHEREAS, independent expenditures, including those made by corporations, have played a dominant and deleterious role in shaping the 2012 presidential election thus far; and

WHEREAS, *Citizens United* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections, many of them over 100 years old; and WHEREAS, the opinion of the Montana Supreme Court in *Western Tradition Partnership v Attorney General* demonstrated the continued compelling state interest in preventing corruption that motivates reasonable restrictions on corporate campaign spending; and Whereas, *Citizens United* represents a serious and direct threat to our democracy; and WHEREAS, the general public and political leaders in the United States have recognized, since the founding of our country, that the interests of corporations do not always correspond with the public interest and that, therefore, the political influence of corporations should be limited; and WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self- government; and WHEREAS, Notwithstanding the decision in *Citizens United*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections;

NOW THEREFORE, in light of the United States Supreme Court's *Citizens United* decision that equates money with speech and gives corporations rights constitutionally intended for natural persons, shall the citizens of Town of Roque Bluffs, Maine vote at Town Meeting on August \_\_, 2012 to urge the Maine Congressional Delegation and the U.S. Congress to propose an amendment to the U.S. Constitution for the States' consideration which provides that **money is not speech**, and that **corporations are not persons** under the U.S. Constitution; to urge the Legislature of the State of Maine pass a similar resolution; and to direct the Town to send its resolution to Maine State and Federal representatives with in thirty days of passage of this measure?