

January, 2012

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.

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