



September 15, 2015

To the Honorable Members of the United States Congress:

We, the undersigned Members of the New York State Senate, call upon you to pass a constitutional amendment to overturn the Supreme Court's dire 5-4 ruling in *Citizens United v. FEC* and related cases. *Citizens United* declared that artificial entities enjoy the First Amendment political rights of the People, toppling dozens of state and federal laws and decades of judicial precedent for regulation of their expenditures in political campaigns. This ruling led to the breakdown of barriers to unlimited independent expenditures from individuals, as well. The recent *McCutcheon v. FEC* decision invalidated aggregate federal contribution limits, again swelling the undue influence of money in elections. Bound by these rulings, a federal district judge has now reluctantly struck down our New York State law that limited contributions to "Super PACs," demonstrating that the Supreme Court has extinguished states' rights to regulate their own elections.

There is no more critical foundation to our government than citizens' confidence in fair and free elections. The *Citizens United* and *McCutcheon* rulings directly undermine this confidence, failing to recognize the destructive effects on democracy brought by unbridled spending in politics. By considering organizations as the legal equivalent of natural persons, and money as the equivalent of speech, the Court has twisted the First Amendment into a barrier to free and fair national, state, and local elections.

Such radical departures from judicial precedent and democratic values have already brought a torrent of money, much of it from hidden sources, into American politics, fundamentally distorting public elections and campaigns for public office. "Super PACs" funded by wealthy individuals and special interests nationally have already driven up the cost of federal elections to more than \$6.3 billion. In the 2012 New York federal elections, spending by out-of-state organizations was 15 times higher than the amount spent in 2008. In New York, a state of more than 19.6 million people, 170 donors gave more than half of all the money contributed to state candidates in 2013. Elections in the United States should not be permitted to go to the highest bidder.

The Supreme Court has erred in its finding that such contributions and spending do not cause intolerable harms to the foundations of democratic elections in the United States. Such harms include the potential for subtle, if not obvious, *quid pro quo* corruption; privileged access and undue influence by elite donors; and a corrosive effect on citizens' confidence that their representatives serve in The People's interests. New York and all other states, as well as the United States Congress, should have the power to limit by law the influence of money in their political systems, as provided in Article 1, Section 4 of the Constitution.

On Election Day, 2012, more than 6 million voters across the United States voted on ballot measures, including statewide initiatives in Montana and Colorado, calling for a constitutional amendment to restrict money and corporate power in the political sphere. All of these proposed resolutions passed with overwhelming and nonpartisan support, averaging 75% of voters in favor. In all, 16 other states and Washington, D.C., as well as more than 550 local municipalities across the nation, have called for a constitutional amendment to overturn *Citizens United* and related cases. Seventeen municipalities in New York State, representing more than 10 million people, have also called for such an amendment. A Democracy Corps survey released May 2 finds that a solid majority of voters across parties and all demographic groups are “angered by the influence of big money and remain strongly supportive of efforts to reduce the influence of money in politics.”

Article V of the United States Constitution empowers the People, the States, and the Congress to use the constitutional amendment process to protect republican self-government. This power has historically been used by the People with great efficacy to further the progress of popular democracy.

With this letter, the undersigned members of the New York State Senate call upon Congress to approve an amendment to the United States Constitution that (1) establishes that artificial entities created by the laws of any State, the United States, or any foreign state are not entitled to the same rights and protections as natural persons under the Constitution and that (2) assures the power of the federal, state, and local governments to limit, regulate, and require full source disclosure of all money spent to influence elections.



Senator Jeffrey D. Klein, 34th District



Senator David J. Valesky, 53rd District



Senator Diane J. Savino, 23rd District



Senator David Carlucci, 38th District



Senator Tony Avella, 11th District