



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 24-H 7768,
HOUSE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND
CONGRESSIONAL DELEGATION TO SUPPORT HOUSE RESOLUTION OF THE 2023-2024
CONGRESS TO AMEND THE UNITED STATES CONSTITUTION TO PROVE THAT THE
RIGHTS PROTECTED AND EXTENDED BY THE CONSTITUTION ARE THE RIGHTS OF
NATURAL PERSONS ONLY
April 9, 2024**

The ACLU of Rhode Island strongly opposes this resolution, which calls on our Congressional delegates to support adoption of a federal constitutional amendment designed to overturn the U.S. Supreme Court’s controversial decision in the *Citizens United* campaign finance case by declaring that the rights protected by the Constitution “are the rights of natural persons only.”

Reasonable minds can differ on the wisdom, outcome and impact of the *Citizens United* ruling. But it would be a terrible mistake to begin using the constitutional amendment process to restrict, rather than expand, our Bill of Rights. Not that long ago, and for a few decades, the ACLU had to fight a concerted campaign to adopt a constitutional amendment to overturn the Supreme Court’s equally controversial First Amendment decisions which struck down state and federal laws banning flag desecration. If an amendment to overturn *Citizens United* is given a green light, a slew of similar constitutional amendments to restrict other First Amendment rights protected by the Court are sure to follow.

Perhaps even more importantly, this proposed amendment would have a devastating impact on advocacy organizations like the ACLU itself, which, after all, is a corporation, not a natural person. The same holds true for the NAACP, the New York Times, labor unions, and innumerable non-profit organizations, all of which have had their First Amendment rights protected – as organizations – for decades from harmful government interference in critical court cases.¹

While seemingly innocuous, if this constitutional amendment were to succeed, it would establish a sea change in the strength of the Bill of Rights and in the rights of many organizations to participate in the political process. For all these reasons, the ACLU urges committee opposition to this resolution.

¹ See, e.g., *NAACP v. Alabama*, 357 U.S. 449 (1958)(holding that the First Amendment protected the NAACP from turning over its membership list to the state); *In re Primus*, 436 U.S. 4122 (1978)(holding that the ACLU had the right to solicit clients through volunteer attorneys); *New York Times Company v. United States*, 403 U.S. 713 (1971)(holding that the First Amendment protected a newspaper from a prior restraint against publication of the Pentagon Papers); *Hague v. Committee for Industrial Organization*, 307 U.S. 496 (1939)(holding unconstitutional a city ordinance barring labor meetings in public).