

RESOLUTION _____

SPONSOR: ALDERPERSON CURT WILSON
CO-SPONSOR: ALDERPERSON KEITH ROSENBERG

TO URGE PASSAGE OF AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROTECT THE RIGHTS OF CITIZENS TO A FAIR ELECTION PROCESS NOT TAINTED BY UNDUE INFLUENCE OF LARGE ELECTION EXPENDITURES BY CORPORATIONS, LABOR UNIONS, AND THE MOST-AFFLUENT CITIZENS

WHEREAS, the preamble to the Constitution of the United States of America reads in its entirety: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America;” and

WHEREAS, government of, by, and for the people has long been a cherished American value, and includes the inalienable right of self-governance; and

WHEREAS, “people” in the words of the Constitution contemplated natural persons needing protections against government intervention, including prohibitions against forced self-incrimination and quartering of troops in homes, and did not contemplate fictitious entities such as corporations and labor unions; and

WHEREAS, free and fair elections participated in by natural persons, are essential to democracy and effective self-governance; and

WHEREAS, in 1990, the United States Supreme Court decided the case of *Austin v. Michigan Chamber of Commerce* in which the Court held that it was not a violation of the First and Fourteenth Amendments for government to prohibit corporations from using treasury money to support or oppose candidates in elections, observing that “[c]orporate wealth can unfairly influence elections when it is deployed in the form of independent expenditures, just as it can when it assumes the guise of political contributions;” and

WHEREAS, in 2010, the United States Supreme Court, in a 5-4 decision, decided the case of *Citizens United v. the Federal Election Commission*, in which the Supreme Court effectively overturned its *Austin* decision, now holding that it was unconstitutional to ban free speech through the limitation of independent communications by corporations, associations, and unions; and

WHEREAS, in asserting that the First Amendment protects *associations* of individuals in addition to individual speakers, the majority decision in *Citizens United* effectively gave corporations and labor unions rights of citizenship reserved for natural persons; and

WHEREAS, the majority decision in *Citizens United* ignored the Court's own cogent reasoning in *Austin* that “[t]he resources in the treasury of a business corporation . . . are not an indication of popular support for the corporation's political ideas. They reflect instead the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a

formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas;"

WHEREAS, the majority decision in *Citizens United* also ludicrously criticized *Austin's* reasoning that the "distorting effect" of large corporate expenditures constituted a risk of corruption or the appearance of corruption in the election process; and

WHEREAS, the majority decision in *Citizens United* removed the legal limits on contributions and expenditures in elections, thereby creating an unequal playing field and allowing unlimited spending by individual persons, corporations, unions, and other entities to influence elections, candidate selection, and policy decisions; and

WHEREAS, the majority decision in *Citizens United* also forces elected officials to divert their attention from the concerns of human citizens or even vote against the interest of their human constituents, in order to raise campaign funds for their own re-election; and

WHEREAS, corporations and unions are legal entities chartered by the government, which are given by government advantages not accorded natural citizens (such as perpetual life and favorable tax advantages) enabling these legal entities to amass wealth for the benefit of their investors, which, while such legal entities may be useful to the functioning of our economic system, are not human beings and thus do not and should not have the same Constitutional rights as American citizens; and

WHEREAS, allowing for the unlimited contributions and spending money on elections is contrary to the democratic principle of one person, one vote, according those with the most money to have an unfair advantage and undue influence in a political system that was intended to ensure that all citizens have equal access to and influence in the political process; and

WHEREAS, millions of people, and Local, County, and State governments across the nation are expressing sympathy with the Move to Amend Campaign, which is urging an Amendment to the United States Constitution to: (1) eliminate the extension of Constitutional rights – originally reserved for human beings – to corporate entities, and (2) abolish the doctrine that political contributions and expenditures are equivalent to free speech rights.

THEREFORE, BE IT RESOLVED, that the Common Council for the City of Kenosha, Wisconsin calls for reclaiming democracy from the corrupting effects of undue corporate influence by urging passage of an amendment to the United States Constitution to establish that:

1. Only human beings - not corporations, limited liability companies, labor unions, nonprofit organizations, or similar associations and corporate entities - are endowed with Constitutional rights; and

2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is directed to send a copy of this Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, United States Senator Ron Johnson of Wisconsin, United States Senator Tammy Baldwin of Wisconsin, United States Representative Paul Ryan of Wisconsin's First Congressional

District, Governor Scott Walker, Senator Robert Wirch, and Assemblypersons Peter Barca, Samantha Kerkman, and Todd Ohnstad.

Adopted this _____ day of August, 2013.

ATTEST: _____
Debra Salas, City Clerk/Treasurer

APPROVED: _____
Keith G. Bosman, Mayor

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney