

COMMITTEE SUBSTITUTE FOR RESOLUTION NO. 120527

Expressing the City of Kansas City's support of the efforts of Move to Amend to reverse the impact of the *Citizens United v. Federal Election Commission* decision.

WHEREAS, on January 21, 2010, the United States Supreme Court issued its opinion in the matter of *Citizens United v. Federal Election Commission*; and

WHEREAS, the Supreme Court found in a 5 to 4 decision that corporations and unions have the First Amendment right to engage in unlimited independent expenditures to influence the election or defeat of candidates for public office; and

WHEREAS, a foundation of this ruling was the assertion that the First Amendment does not generally prohibit the suppression of political speech based on the speaker's identity; and

WHEREAS, the Supreme Court has made the apparently inconsistent decision that a foreign national lawfully in the United States may not make a campaign contribution, but by *Citizens United* would allow no inquiry into the ownership of a corporation making an independent expenditure; and

WHEREAS, although corporations may provide many benefits to some people, corporations have an obligation to their shareholders to act in the best interest of shareholders and not the best interest of the people of the city, county, state or country; and

WHEREAS, natural persons may vote against their interests for the benefit of others and may consider many factors that motivate people, but corporations cannot exercise such human feelings or recognize such human considerations; and

WHEREAS, since *Citizens United*, one state has ruled that state campaign laws could restrict contributions and expenditures in connection with a candidate or political committee by corporations because it found the potential for corruption of the political process, but that decision, *Western Tradition Partnership v. Attorney General*, was stayed while the Supreme Court considers whether to review the action of the Montana Supreme Court; and

WHEREAS, *Citizens United* ruled as a matter of law that wholly independent speech cannot be a corrupting force because of its very independence, and a foundation of *Citizens United* is that disclosure and transparency will protect from corruption; and

WHEREAS, since *Citizens United* spawned the development of Super PACs disclosure and transparency of unregulated contributions and expenditures has not occurred, thus tearing at the fabric of the Supreme Court's justification for its decision; and

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WHEREAS, experience is quickly teaching the dangers to American democracy from giving corporations and unions excessive influence over elections, and thus, governing; and

WHEREAS, because the *Citizens United v. Federal Election Commission* decision is based on a reading of the United States Constitution granting corporations and unions the right to influence election outcomes even though they are not people and they do not vote, the Congress is unable to reverse this decision, and has shown no inclination to help rebuild the foundation of disclosure and transparency; and

WHEREAS, as observed by former Justice John Paul Stevens the *Citizens United* decision is a product of “judge-made doctrine rather than the Constitution’s text” and therefore, the people must make the text clear that our political system is not a commodity traded between corporate interests to the detriment of the people of the United States; and

WHEREAS, to correct the premise that unregulated independent spending is not a corrupting force in the political system of the United States, and to recognize the failure of our officials to establish a foundation of disclosure and transparency for our political system, and for the people to be heard over the clamor of corporate control over much of our political system, an amendment to our Constitution is required; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the people of Kansas City, Missouri, stand with communities across the country to defend democracy from the corrupting effects of undue corporate power by supporting an amendment to the United States Constitution to establish that:

1. Only human beings, not corporations, 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.
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