

CBC/JMC/krr

12/07/12

RECEIVED
CLERK OF COUNCIL
CITY OF AKRON

8
S+P

Offered by SOMMERVILLE **NEAL WILLIAMS**

2012 DEC 10 PM 2:20

RESOLUTION NO. ~~405~~-2012 urging state and federal representatives to enact legislation to defend democracy from the effects of undue corporate power in elections; and declaring an emergency.

WHEREAS, the protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, the Court's ruling in *Citizens United v. FEC* that independent spending on elections by corporations and other groups could not be limited by government regulations overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS, this decision overturned legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

WHEREAS, in reaching its decision, a majority of the Supreme Court, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

WHEREAS, Justice John Paul Stevens' opinion for the four dissenting justices in *Citizens United v. FEC* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, *Citizens United v. FEC* has unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS, the United States Supreme Court's ruling in *Citizens United* represents a serious and direct threat to our democracy; and

WHEREAS, corporations should not be afforded the entirety of protections or rights of individuals such that the expenditure of corporate money to influence the electoral process should be regulated and limited; and

WHEREAS, the general public and political leaders in the United States have recognized, since the founding of our country, that the interests of corporations do not always correspond with the public interest and that, therefore, the political influence of corporations should be limited; and

WHEREAS, in his 1920 "New Nationalism" speech, former President Theodore Roosevelt stated that, "It is necessary that laws should be passed to prohibit the use of corporate funds directly or indirectly for political purposes; it is still more necessary that such laws should be thoroughly enforced. Corporate expenditures for political purposes. . . have supplied one of the principal sources of corruption in our political affairs."; and

WHEREAS, in his dissenting opinion in *Citizens United*, Justice John Paul Stevens observed that "At bottom, the Court's opinion is. . . a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the day of Theodore Roosevelt. . . While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics."; and

WHEREAS, the Court's decision in *Citizens United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, notwithstanding the decision in *Citizens United v. FEC*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state and federal elections.

WHEREAS, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations and other groups to influence elections; and

WHEREAS, other regulations should be considered by Congress to limit the effect of corporate spending in the election process, including more aggressive disclosure rules.

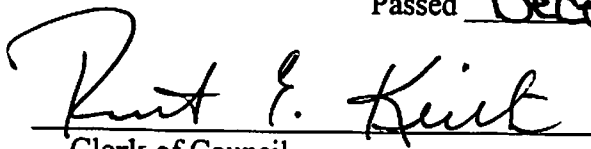
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Akron:

Section 1. That Council stands with communities across the country to defend democracy from the effects of undue corporate power by amending the United States Constitution to establish that the federal government and the states have authority to regulate and limit political contributions and expenditures by corporations and other entities in the election process.

Section 2. That Council hereby urges the state and federal representatives to enact resolutions and legislation to advance this effort to amend the Constitution of the United States and to consider legislation to regulate and limit the impact upon elections of *Citizens United*, including more stringent disclosure requirements.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason Council wishes to express support for efforts to amend the United States Constitution to defend democracy from effects of undue corporate power, and provided this resolution receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed December 10, 2012


Clerk of Council


President of Council

Approved _____, 2012

MAYOR