

RESOLUTION NO. 6196

A RESOLUTION OF THE CITY COUNCIL URGING CONGRESSIONAL REPRESENTATIVES AND SENATORS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION OVERTURNING THE CITIZENS UNITED SUPREME COURT DECISION

Intent of the Parties and Findings

(i) The United States Supreme Court's ruling in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010) has allowed wealthy corporations, unions and other interest groups, to use their First Amendment rights to circumvent all federal, state and local laws pertaining to campaign finance and to spend whatever amount of money they wish on any federal, state or local election; and

(ii) The Citizens United case threatens our democracy by rolling back limits on corporate, union and special interest spending in electoral campaigns, allowing vast amounts of money to drown out the voices of individual human beings; and

(iii) Justice Stevens, writing in dissent in Citizens United, stated: "...corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their "personhood" often serves as a useful legal fiction, but they are not themselves members of "We the People" by whom and for our Constitution was established"; and

(iv) Justice Stevens also observed in the United States Supreme Court's decision in Nixon v. Shrink Missouri Gov't Pac, 528 U.S. 377 (2000) that "money is property; it is not speech"; and

(v) When freedom to speak is equated with freedom to spend money, millions of people who have less money are disenfranchised, thus denying their full rights to free speech; and

(vi) The citizens of Upland deserve to have local control over city elections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UPLAND that the City of Upland joins with a growing list of cities, counties and states in urging Congress to propose and support, and the California State Legislature to ratify, a Constitutional amendment to reverse the Citizen's United Ruling and enable the people, through their elected representatives, to regulate campaign contributions and expenditures in all elections at the federal, state and local levels.

BE IT FURTHER RESOLVED that this city council directs the City Manager to forward copies of this resolution to our elected representatives in Congress and the state legislature.

PASSED, APPROVED and ADOPTED this 14<sup>th</sup> day of October, 2013.

  
Ray M. Musser, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 14<sup>th</sup> day of October, 2013, by the following vote:

AYES: Mayor Musser, Councilmembers Stone, Bozar  
NOES: Councilmember Filippi  
ABSENT: None  
ABSTAINED: Councilmember Brandt

ATTEST:

  
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Stephanie A. Mendenhall, City Clerk