

CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION NO. 122-12

OPPOSING UNITED STATES SUPREME COURT DECISION IN CITIZENS UNITED V. THE
FEDERAL ELECTION COMMISSION

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings (“natural persons”); and,

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations; and,

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posted by “the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public’s support for the corporations political ideas”; and,

WHEREAS, the United States Supreme Court in *Citizens United v. the Federal Election Commission* (2010) reversed the decision in *Austin*, which now presents a serious threat to self-government by rolling back legal limits on corporate spending in the electoral process allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and to sway votes; and,

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified limits on contributions to candidates, but it wrongly rejected other fundamental interests that the Borough Commission finds compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and,

WHEREAS, money is property, it is not speech; and,

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the 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 the republican form of self-government;

NOW THEREFORE, BE IT RESOLVED that it is the position of the Cape May Point Borough, County of Cape May, State of New Jersey that corporations should not receive the same constitutional rights as natural persons do and that because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard.

BE IT FURTHER RESOLVED that the Cape May Point Borough hereby endorses the efforts to pass an Amendment to the United States Constitution related to campaign finance reform and ending the false doctrine of corporate constitutional rights and, respectfully urges

New Jersey's Congressional delegation to prioritize the congressional proposal of an amendment to the United States Constitution addressing the threats to representative government identified in this resolution so that the states may ratify it.

ATTEST:

Constance A. Mahon
Constance A. Mahon

Robert Moffatt
Robert Moffatt, Commissioner

Anita vanHeeswyk
Anita vanHeeswyk, Commissioner

George H. Stanger, Jr.
George H. Stanger, Jr., Mayor

Certification

I Constance A. Mahon, Clerk, Administrator for the Borough of Cape May Point do hereby certify that the forgoing resolution is a correct and accurate copy of a resolution passed on December 27, 2012.

Constance A. Mahon
Constance A. Mahon