

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Expressing the Sense of Council of Allegheny County supporting the formulation and ratification of a Constitutional amendment to reverse Citizens United v. Federal Election Commission and to restore Constitutional rights and fair elections to the people.

Whereas, the Bill of Rights was adopted and ratified by the people of the United States in large part to protect the free speech and other rights of individuals, rather than corporations; and

Whereas, corporations are entities created pursuant to the laws of the various states and sovereign nations, and are not in reality people; and

Whereas, for the past three decades, however, a divided United States Supreme Court has gradually expanded corporate First Amendment rights into a means for corporations to evade and invalidate the people's laws; and

Whereas, this corporate misuse of the First Amendment and Constitution was accelerated by the United States Supreme Court's ruling in Citizens United v. Federal Election Commission, 558 U.S. _____, 130 S.Ct. 876 (2010); and

Whereas, Citizens United overturned longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections; and

Whereas, Citizens United in effect provided corporations with the opportunity to begin spending unprecedented revenues as a means of influencing our political process; and

Whereas, Citizens United purports to invalidate state laws and even state constitutional provisions separating corporate money from elections; and

Whereas, Citizens United presents a serious and direct threat to our republican democracy insofar as it provides corporate entities with vast resources and potentially unlimited lifespans with a means of influencing election results to a far greater extent than individuals can; and

Whereas, the expansion of corporate free speech rights embodied in Citizens United has also permeated into other areas of significant public concern, and has resulted in an expansion of corporate claims that rules governing their labeling and advertising should not apply to them, including cases in which corporations argued that their free speech rights superseded dairy labeling requirements, tobacco product labeling requirements, and regulations limiting advertisements for certain products in close proximity to schools;

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 decisions of the United States Supreme Court that ultimately have deleterious effects on the nation's democracy and republican self-government; and

Whereas, the Constitutional amendment process has been employed in seven of the ten decades of the 20th Century, in the process reversing seven Supreme Court decisions;

NOW THEREFORE, IT IS MOVED, THAT THE COUNCIL OF ALLEGHENY COUNTY, supports the formulation and ratification of a Constitutional amendment to reverse Citizens United v. Federal Election Commission, and encourages the United States Congress to pass and send to the states for ratification such an amendment in order to restore Constitutional rights and fair elections to the people.

PRIMARY SPONSOR: COUNCIL MEMBER GREEN HAWKINS

CO-SPONSORS: COUNCIL MEMBER DeFAZIO

In Council May 1 2012.

Read and Approved.

Charles Martoni
Dr. Charles Martoni
President of Council

Attest: [Signature]
Allegheny County Council