

**COUNCIL LETTER
CITY OF GALESBURG
JUNE 4, 2012**

AGENDA ITEM: Resolution to reverse the United States Supreme Court's "Citizens United v Federal Election Commission" ruling.

SUMMARY RECOMMENDATION: The City Manager recommends that the Council not consider this item for the reasons stated below.

BACKGROUND: In January a citizen proposed a resolution supporting the reversal of "Citizens United v. Federal Election Commission." The item was not scheduled for consideration because it has not been the practice of the City to adopt resolutions taking positions on matters that are not directly pertinent to the City's services, deal primarily with federal or international issues, or that are partisan in nature (see attached letter). Earlier this month a petition requesting a special meeting to discuss the January 2010 "Citizens United" decision was submitted. As the request did not meet the criteria provided for by the Municipal Code or the Open Meetings Act to call a special meeting one was not scheduled. Instead, the item has been placed on the agenda for this meeting.

BUDGET IMPACT: None.

SUPPORTING DOCUMENTS:

1. Resolution
2. January 17, 2012 Letter

Mayor Garza and Alderpersons, (if that is what we say)

Here is the version of the Los Angeles Resolution, which I am asking you to pass.

Jerry Ryberg, 5/16/12

“Resolution _____ (regarding Citizens United v. FEC).

RESOLUTION

WHEREAS, any official position of the City of Galesburg, IL with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, the U.S. Supreme Court’s 5-4 ruling in Citizens United v. the Federal Election Commission rolled back legal restrictions on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, thereby threatening the voices of “We the People” and the very foundation of our democracy; and

WHEREAS, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that Corporations have authority that exceeds the authority of “We The People”

WHEREAS, U.S. Supreme Court Justice Hugo Black in a 1938 opinion stated, “I do not believe the word ‘person’ in the Fourteenth Amendment includes corporations”; and

WHEREAS, money affects the quality and quantity of speech and is NOT, in itself, speech; and allowing corporations with great wealth to use it as speech effectively drowns out the protected free speech of the People in our diverse society;

WHEREAS, the Citizens decision supersedes state and local efforts to regulate corporate activity in their elections;

NOW THEREFORE, BE IT RESOLVED, that by the adoption of this Motion, the City of Galesburg, Illinois hereby SUPPORTS a Constitutional Amendment and other legislative actions ensuring that only human beings, not corporations, are endowed with constitutional rights and that money is not speech, and therefore the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.”



City of Galesburg

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January 17, 2012

Mr. Jerry Ryberg
1625 Brown Avenue
Galesburg, IL 61401

Dear Mr. Ryberg:

Thank you for recently taking the time to propose a resolution to the City for consideration. It is because of the efforts of citizens such as yourself that are willing to participate in the public dialogue and provide input to their elected officials that makes our City and country strong.

Your proposed resolution, supporting the reversal of "Citizens United v. Federal Election Commission," raises many important considerations at the federal level. However, it is the practice of the City to focus its efforts on legislative priorities that are the most directly relevant to, or most greatly impact the provision of municipal services. Generally, the City will not address matters that are not pertinent to the City's local government services, deal primarily with federal or international issues, or that are partisan in nature. This is critical to continue the non-partisanship of the City Council and to ensure we focus our time and resources appropriately.

Thank you again for your interest.

Sincerely,

Salvador Garza
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