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City of Keene
NEW HAMPSHIRE

June 26, 2014

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **CONTINUED DISCUSSION:** *Citizens United - US Supreme Court*
Decision

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Council adopt an appropriate Resolution stating its objection to the Citizens United case and request that the New Hampshire legislature seek a constitutional amendment through Congress to overturn the decision.



Chairman/Designee

Background:

The Chairman stated that he has asked the City Attorney to create three scenarios; one is in support of the Supreme Court decision, the second is in opposition to the decision and the third is that the Council should act as individuals.

The Chair then went over the language as follows:

1. The Finance, Organization and Personnel Committee acknowledges and respects the authority of the United States Supreme Court to determine the constitutionality of decisions made by the co-equal branches of the federal government, which must be respected by all levels of government, including the City of Keene. Accordingly the committee recommends the following:

Move that the Finance, Organization and Personnel Committee recommends that the City Council take no action with respect to the proposed Resolution objecting to the Citizens United decision and that the request be accepted as informational.

2. The Finance, Organization and Personnel Committee acknowledge and respect the authority of the United States Supreme Court to determine the constitutionality of legislative actions. However, because the decision in the case of Citizens United poses a substantial threat to democracy through the allowance of unaccountable direct corporate funding in the election advocacy process, the decision should be overturned. Accordingly, the committee recommends the following:

Move that the Finance, Organization and Personnel Committee recommends that that the City Council adopt an appropriate Resolution stating its objection to the Citizens United case and requesting that the New Hampshire legislature seek a constitutional amendment through Congress to overturn the decision.

3. The Finance, Organization and Personnel Committee acknowledges and respects the authority of the United States Supreme Court to determine the constitutionality of legislative actions. However, individual members of the City Council may believe that the decision should be upheld or overturned. Accordingly, because the decision must be respected by all levels of government, including the City of Keene, but individual members of the City Council may have differing opinions of the decision, the Finance, Organization and Personnel committee recommends the following:

Move that the Finance, Organization and Personnel Committee recommends that that the City Council take no action with respect to the proposed Resolution objecting to the Citizens United decision, that the request be accepted as informational, and that individual members of the City Council be encouraged to express their individual opinion on the matter to the New Hampshire legislature.

Councilor Roberts noted that Item 2 was approved by the House to go through a study.

Councilor Clark felt that option number 1 and 3 will have the same end result and felt the Committee should go with option 2.

Councilor Filiault stated that he agrees that the Committee should go with option 2, but the Council is made up of 15 individuals and they should each make an individual decision and hence was not sure of either one.

Councilor Powers stated that one of the things that concerned him is that the Supreme Court acted out of context. He added that he understands that the Council has not acted on Resolutions of this nature but felt it was time.

The Chair stated that when the Council was elected, it was to run the City and address various city functions. He indicated that when he talked to senators and they expressed surprise the City

is getting involved. The Chairman added that he has not so far received a phone call from any of his constituents. However, he felt that on a personal level he could be running against someone who has unseen amount of funding. He felt the matter before the Committee sets a bad precedence.

Councilor Clark felt that this item has a direct impact on the Council's ability to make decisions locally because of the influence of money from special interest groups. He stated that people who are funding many of these movements are the ones who are cutting off funding for services in our neighborhoods.

Councilor Roberts stated that the reason so much money is poured into New Hampshire is because New Hampshire is considered a cheap buy; you can pour outside money into a New Hampshire congress seat, or senate seat and this affects what happens in New Hampshire and in Keene. He added that the frustrating part is that we can't do anything about it, but felt it was better to do something than nothing at all.

Councilor Powers agreed with Councilor Roberts and added that when two senators indicate that the City should not be involved that tells him the City should get involved.

Ms. Joanne Laurie of 15 Page Street stated that at a certain point we have to figure out whether something is right or wrong and the reason the Councilors have not heard from many of their constituents is because there is a lot of misinformation out there. However, if people really understood the effect this will have on communities there will be many more who would be concerned. Ms. Laurie felt the City cannot go wrong if they support it. She added that if you are a looking for a reason to support this, it is more of a governance issue and felt it might be within the purview of the Council.

Councilor Jacobs stated that the reason the City has a Bear Cat is because there was money from a corporation who was able to make a donation to Keene and we need not go any further than that to realize the impact money has just in our community.

Mr. Joe Merzoff of 15 Summit Road stated that one the reasons we have budget increases is because the State is putting a hold on financing many projects and the federal government is doing the same to the State. He felt the Supreme Court made a mistake on this issue.

Mayor Lane stated that generally he would agree with the comments made by the Chairman. However, this decision has some dangerous implications for many communities and noted that more important than that, the Supreme Court has attributed to corporations first amendment rights and the right of free speech. He felt that there are going to be other rights that are probably forthcoming to corporations and asked to what extent these rights can be limited. The Mayor further stated that if corporations are given rights that they have never been given under the Bill of Rights, it is going to affect all of us.

Mr. Peter Espiefs of School Street stated that as he has said in the past, he is against the Supreme Court's decision. He felt that the integrity of the entire government system is at stake and that is the responsibility of the Council. He pointed out that nearly 500 municipalities around the

country have taken a stand on this issue. Mr. Espieffs stated that it is difficult at times for individuals to get their point across, but when municipalities speak – people listen.

Councilor Roberts stated that Keene is an unusual community but the same can't be said about bigger cities like Manchester where money divides a community like that.

Chair Greenwald stated that he agrees with what has been said and even though he does not feel it is the purview of the Council, he will support option 2.

Councilor Powers made the following motion, which was seconded by Councilor Filiault.

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Council adopt an appropriate Resolution stating its objection to the Citizens United case and request that the New Hampshire legislature seek a constitutional amendment through Congress to overturn the decision.