

**RESOLUTION NO. 1875**  
**A RESOLUTION TO SUPPORT AN AMENDMENT TO THE UNITED STATES**  
**CONSTITUTION TO REGULATE CORPORATE POLITICAL SPENDING**  
**AND CAMPAIGN FINANCING**

**WHEREAS**, the freedom of speech, especially political speech, is a fundamental component of any functioning democracy; and

**WHEREAS**, the U.S. Supreme Court has long held that the freedom of speech may only be restricted where a compelling governmental interest demands it; and

**WHEREAS**, the U.S. Supreme Court established in *Buckley v. Valeo*, 424 U.S. 1 (1976), that independent campaign expenditures made by individuals and groups – made without coordination with a candidate for political office – constitute speech protected under the First Amendment to the United States Constitution; and

**WHEREAS**, *Buckley* found that “limitation on independent expenditures ‘relative to a clearly identified candidate’ precludes most associations from effectively amplifying the voice of their adherents, the original basis for the recognition of First Amendment protection of the freedom of association”; and

**WHEREAS**, *Buckley* found that the government’s compelling interest in preventing “corruption or its appearance” justifies restrictions on direct contributions to federal political candidates because those limits involve “little direct restraint on [the contributor’s] political communication, for it permits the symbolic expression of support evidenced by a contribution but does not in any way infringe the contributor’s freedom to discuss candidates and issues”; and

**WHEREAS**, the Court found constitutional the prohibition of direct corporate and labor union spending (from their treasury funds) on elections; and

**WHEREAS**, *FEC v. Mass Citizens for Life, Inc.*, 479 US 238 (1986) found it was unconstitutional to bar direct corporate spending of treasury funds by non-profit corporations which were not conduits or agents for for-profit corporations or labor unions; and

**WHEREAS**, a leading academic in the field of election law, Richard L. Hasen of the University of California, Irvine, School of Law, has written that the “jumble of rules did ... strike a delicate balance between free speech rights and anti-corruption and political equality interest.” (Harvard Law & Policy Review, Winter 2013 [forthcoming]; UC Irvine School of Law Research Paper No. 2013-117); and

**WHEREAS**, the United States Supreme Court in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) reversed prior rulings to hold that the First Amendment prohibits any restriction of independent political expenditures by corporations, associations, or labor unions; and

**WHEREAS**, the decision did not affect the federal ban on direct contributions from corporations or unions to federal candidate campaigns and political parties; and

**WHEREAS**, many Americans find offensive the notion that for-profit corporations have rights equivalent to individuals; and

**WHEREAS**, the increasing wealth inequality of American society has led to small numbers of individual speakers being able to spend extraordinary sums of money to promote their message – essentially speaking louder than others; and

**WHEREAS**, just as the Ethiopian proverb holds that “when spiders unite, they can tie down a lion,” the need for individual citizens to leverage their individual voices through non-profit corporations and political action committees may be essential to ensuring those voices are heard; and

**WHEREAS**, many have promoted a Constitutional amendment to reverse *Citizens United*, but the field of First Amendment and election law is nuanced and complex, and it is not clear that language in such a constitutional amendment would protect the incorporated press nor non-profit ideological corporations; and

**WHEREAS**, placing broad power to control political speech in the hands of Congress or state or local governments would subvert the fundamental underpinnings of the First Amendment and our democracy;

**NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANACORTES** that the City Council calls upon the Washington State Legislature and the United State Congress to amend federal statutes or the United States Constitution with provisions that restore the carefully-balanced framework that existed prior to the *Citizens United* decision.

ADOPTED this 4th day of November, 2013.

**CITY OF ANACORTES**

By   
H. Dean Maxwell, Mayor

**ATTEST:**

  
Steven D. Hoglund, City Clerk