

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

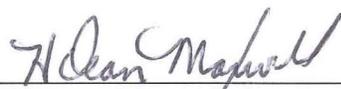
WHEREAS, many have promoted a Constitutional amendment to reverse *Citizens United*, but the field of First Amendment and election law is nuanced and complex, and it is not clear that language in such a constitutional amendment would protect the incorporated press nor non-profit ideological corporations;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