

A RESOLUTION

20-28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the sense of the Council of the District of Columbia that the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission* was wrongly decided and to call upon the United States Congress to propose and send to the states for ratification a constitutional amendment to overturn *Citizens United v. Federal Election Commission*.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Regarding *Citizens United* and Fair Elections Resolution of 2013”.

Sec. 2. The Council finds that:

- (1) The protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy.
- (2) The First Amendment was designed to protect the free speech rights of people, not corporations.
- (3) Corporations are not people but, instead, are entities created by the laws of states and nations.
- (4) For the past 3 decades, a divided United States Supreme Court has reinterpreted its precedents, weakening restrictions to combat the corrupting influence that money can have in democratic elections.
- (5) The judicial erosion of protections against electoral corruption reached an extreme conclusion in the Supreme Court’s ruling in *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010) (“*Citizens United*”).
- (6) The Supreme Court’s ruling in *Citizens United* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in public elections.
- (7) The opinion of the 4 dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to amass great sums of money, and thereby be able to spend prodigious sums on campaign messages to favor their corporate profits.

(8) The Supreme Court's ruling in *Citizens United* has unleashed a torrent of corporate money in the political process unmatched by any campaign expenditure totals in United States history.

(9) *Citizens United* affects not only the federal elections but restricts states' efforts to control the corrupting influence of money in state and local elections.

(10) The Supreme Court's ruling in *Citizens United* represents a serious threat to the integrity of democratic elections.

(11) The general public and political leaders in the United States have recognized since the founding of our country that the interests of corporations do not always correspond with the public interest and, therefore, the political influence of corporations should be limited.

(12) In 1816, Thomas Jefferson wrote, "I hope we shall ... crush in [its] birth the aristocracy of our monied corporations which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country."

(13) A February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling.

(14) 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 decisions of the Supreme Court.

(15) Notwithstanding the decision in *Citizens United*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections.

Sec. 3. It is the sense of the Council that:

(1) The Council respectfully disagrees with the majority opinion and decision of the United States Supreme Court in *Citizens United*.

(2) The United States Congress should propose and send to the states for ratification a constitutional amendment to overturn *Citizens United* with regard to corporate influence in elections.

(3) The amendment should make clear that corporations may be limited in their First Amendment speech.

Sec. 4. Transmittal.

The Secretary shall transmit a copy of this resolution, upon its adoption, to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to our delegate in the House of Representatives and Shadow Senators in the Congress of the United States.

Sec. 5. Effective date.

This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.