

RESOLUTION NO. 278-12 INTRODUCED BY THE EXECUTIVE COMMITTEE OPPOSING THE UNITED STATES SUPREME COURT'S INTERPRETATION OF THE CONSTITUTION IN *CITIZENS UNITED* v. *FEDERAL ELECTION COMMISSION* REGARDING THE CONSTITUTIONAL RIGHTS OF CORPORATIONS, SUPPORTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROVIDE THAT CORPORATIONS ARE NOT ENTITLED TO THE ENTIRETY OF PROTECTIONS OR "RIGHTS" OF NATURAL PERSONS, SPECIFICALLY SO THE EXPENDITURE OF CORPORATE MONEY TO INFLUENCE THE ELECTORAL PROCESS IS NO LONGER A FORM OF CONSTITUTIONALLY PROTECTED SPEECH, AND CALLING ON CONGRESS TO BEGIN THE PROCESS OF AMENDING THE CONSTITUTION

WHEREAS, in 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission* ("*Citizens United*"), holding that independent spending on elections by corporations and other groups could not be limited by government regulation; and

WHEREAS, this decision overturned the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

WHEREAS, in reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

WHEREAS, the First Amendment to the United States Constitution was designed to protect free speech rights of people, not corporations; and

WHEREAS, in his eloquent dissent, Justice John Paul Stevens called the decision a "radical change in the law" that ignores "the overwhelming majority of justices that have served on this court" and rightly recognized that "corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established"; and

WHEREAS, the Court's decision in *Citizen United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

WHEREAS, corporations should not be afforded the entirety of protections or "rights" of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

WHEREAS, the United State's Supreme Court's ruling in *Citizen's United* threatens to dilute an individual's power as a voting citizen and compromise the democratic process, and as such, presents a serious and direct threat to our democracy; and

WHEREAS, the People of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby opposes the Supreme Court's interpretation of the Constitution in *Citizens United* with regard to the constitutional rights of corporations, and supports amending the Constitution to provide that:

1. A corporation is not a person and can be regulated.
 - a. The rights protected by the Constitution of the United States are the rights of natural persons only.
 - b. Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this constitution and are subject to regulation by the People, through federal, state, or local law.
 - c. The privileges of artificial entities shall be determined by the People, through federal, state, or local law, and shall not be construed to be inherent or inalienable.
2. Money is not speech and can be regulated.
 - a. Federal, state, and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or ballot measure.
 - b. Federal, state, and local government shall require that any permissible contributions and expenditures be publicly disclosed.
 - c. The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.
3. Nothing contained in this amendment shall be construed to abridge the freedom of the press.

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a certified copy of this resolution to Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congressman Maurice Hinchey, Governor Andrew M. Cuomo, Senator John J. Bonacic, Assemblywoman Aileen Gunther, Senate Majority Leader Dean G. Skelos, Assembly Speaker Sheldon Silver, and all Towns and Villages within Sullivan County.

Moved by Mr. Benson, seconded by Mrs. Edwards, put to a vote with Mrs. LaBuda absent, unanimously carried and **declared duly adopted on motion** July 19, 2012.