

RESOLUTION NO. 20130117-053

WHEREAS, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the U.S. Constitution and the Declaration of Independence; and

WHEREAS, artificial entities such as corporations, limited liability companies, and other entities were originally chartered by state governments to serve the public interest, cause no harm, and be subordinate to the sovereign people; and yet by judicial interpretations these artificial entities gained free speech and other protections guaranteed by the Bill of Rights and the 14th Amendment, although the framers had no such intention; and

WHEREAS, the U.S. Supreme Court's 5-4 ruling in the *Citizens United v. Federal Election Commission* case rolled back statutory spending limits in the electoral process, allowing unlimited expenditures to influence elections, candidate selection, and policy decisions, thereby drowning out the voices of "We the People" and threatening democracy; and

WHEREAS, congressional behavior is strongly affected by the campaign finance process to the extent that elected officials divert their attention from the peoples' business, or even vote against the interest of human constituents in order to ensure competitive campaign funds for their own reelections; and

WHEREAS, in his eloquent dissent, Justice John Paul Stevens writes: "At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from

undermining self-government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt”; and

WHEREAS, U.S. Supreme Court Justice Hugo Black in a 1938 opinion stated, “I do not believe the word ‘person’ in the Fourteenth Amendment includes corporations”; and

WHEREAS, money affects the quality and quantity of speech and is NOT, in itself, speech; and allowing artificial entities with great wealth to use it as speech effectively drowns out the protected free speech of the People in our diverse society; and

WHEREAS, the *Citizens United* decision supersedes state and local efforts to regulate special-interest electioneering; **NOW, THEREFORE**,

BE IT RESOLVED, that by the adoption of this Resolution, the Council of the City of Austin calls for a Constitutional Amendment and/or other legislative actions ensuring that money is not speech, and therefore the expenditure of money to influence the electoral or legislative process is not a form of constitutionally protected speech, and shall be regulated.

BE IT FURTHER RESOLVED that in order to remove undue influence on elected officials, the use of funds by artificial entities, such as corporations, limited liability companies, or other corporate entities established by the laws of any state, the United States, or any foreign state, to influence the electoral or legislative process shall be regulated.

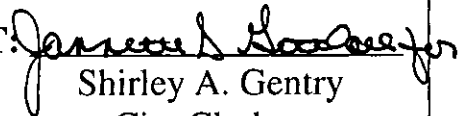
BE IT FURTHER RESOLVED that nothing in this proposed amendment shall be construed to abridge the freedom of the press.

BE IT FURTHER RESOLVED that the Council of the City of Austin calls on other communities and jurisdictions to join this action by passing similar Resolutions.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager to send copies of this Resolution to our state and federal government representatives including: Governor Rick Perry, Lt Governor David Dewhurst, Speaker of the House Rep. Joe Strauss, U.S. Senators Ted Cruz and John Cornyn, and U.S. Representatives Lloyd Doggett, Michael McCaul, and Lamar Smith, Majority Leader of the U.S. House of Representatives John Boehner, Majority Leader of the U.S. Senate Harry Reid, and President Barack Obama.

ADOPTED: January 17, 2013

ATTEST:


Shirley A. Gentry
City Clerk