

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 120601)

RESOLUTION

Calling upon the United States Congress to defend democracy from the undue influence of corporations by passing and sending to the states for ratification a constitutional amendment which overturns the Supreme Court's ruling in Citizens United v. Federal Election Commission and establishes that only human beings, not corporations, are endowed with constitutional rights, and that money is not speech so that regulating political contributions and spending is not equivalent to limiting political speech and calling upon the Pennsylvania General Assembly to adopt a similar resolution.

WHEREAS, The United States Constitution was conceived during the Philadelphia Constitutional Convention of 1787, when our founding fathers gathered in Independence Hall to usher in a new form of government - Of The People, By The People and For The People. Of the 55 delegates assembled in Philadelphia for that convention, all were human beings and none were corporations; and

WHEREAS, The United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings ("real people"); and

WHEREAS, Corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of "We the People"; and

WHEREAS, Corporations can and do make important contributions to our society using powerful advantages that government has wisely granted them, but this Council does not consider them real people; and

WHEREAS, United States Supreme Court Justice Hugo Black in a 1938 dissenting opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, The United States Supreme Court recognized in Austin v. Michigan Chamber of Commerce (1990) the threat to a republican form of government posed by

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“the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public’s support for the corporation’s political ideas”; and,

WHEREAS, The United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) reversed the decision in *Austin* and the portion of *McConnell v. Federal Elections Commission* that upheld bans on corporate and labor treasury funds for electioneering, and presents a serious threat to self-government by rolling back previous bans on corporate spending in the electoral process and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and public debate; and

WHEREAS, The opinion of the four dissenting justices in *Citizens United* noted that corporations have special privileges not enjoyed by real people, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend huge sums on campaign messages that have little or no correlation with the beliefs held by real people; and

WHEREAS, United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that “money is property, it is not speech”; and

WHEREAS, The law obligates corporations to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as real people balance their narrow self interest and broader public interest when making political decisions; and

WHEREAS, Corporations have used the artificial "rights" bestowed upon them by the courts to overturn democratically enacted laws that municipal, state and federal governments passed to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against corporate harms to the environment, to consumers, to workers, to independent businesses, to local and regional economies; and

WHEREAS, In *SpeechNow.org v. FEC* (2010), the DC Circuit Court of Appeals relied on *Citizens United* to overturn limits on independent expenditures, paving the way for the so-called “Super PACs” that are at the heart of torrent of special-interest money looming over our local, state and federal elections; and

WHEREAS, Based on data gathered by *OpenSecrets.org*, a respected non-partisan website that tracks money in American politics, spending by non-party committees during the 2010 Congressional elections (the first federal elections to occur after *Citizens United*) increased to approximately \$304.7 million, four times the level of such spending in 2006; and

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WHEREAS, Contrary to the Citizens United majority's assumption that disclosure would allow for public accountability, half of the drastically increased spending during the 2010 elections was by secretive political committees not required to disclose their donors; and

WHEREAS, Spending in the 2012 elections is project to total at least \$8 billion, and spending by "Super PACs" has played a dominant and deleterious role in shaping the presidential election thus far; and

WHEREAS, A February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court Citizens United ruling. Another survey found that small business owners view the Citizens United ruling as bad for small business: 66% of those surveyed said it is bad for small businesses. Only 9% said it was good for small business; and

WHEREAS, The members of this Council have sworn to uphold the United States Constitution in our Oath of Office; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use 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 the republican form of self-government; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That this Council calls upon the United States Congress to defend democracy from the undue influence of corporations by passing and sending to the states for ratification a constitutional amendment which overturns the Supreme Court ruling in Citizens United v. Federal Election Commission and establishes that:

1. Only human beings, not corporations, are endowed with constitutional rights, and
2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

BE IT FURTHER RESOLVED, That this Council calls upon the Pennsylvania General Assembly to pass a similar resolution.

BE IT FURTHER RESOLVED, That Engrossed copies of this resolution be presented to the leadership of the Senate and the House of Representatives of the United States, both U.S. Senators of the Commonwealth of Pennsylvania and the Congressional delegation of the Commonwealth of Pennsylvania, the leadership of the Senate and the House of Representatives of the Commonwealth of Pennsylvania and to all the members of the Philadelphia delegation to the Pennsylvania General Assembly as evidence of the sincere sentiments of this legislative body.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-first of June, 2012.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Quiñones Sánchez

Sponsored by: Councilmembers Quiñones Sánchez, Jones, Bass and Tasco