



Legislation Details (With Text)

File #: Res 1172-2011
Type: Resolution
Version: *
Name: Opposing the US Supreme Court's interpretation of the Constitution in Citizens United.
Status: Adopted
In control: Committee on Governmental Operations

On agenda: 12/19/2011

Enactment date: **Enactment #:**

Title: Resolution opposing the United State Supreme Court's interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that 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.

Sponsors: Brad S. Lander, Melissa Mark-Viverito, Christine C. Quinn, Gale A. Brewer, Stephen T. Levin, Margaret S. Chin, Letitia James, Deborah L. Rose, James G. Van Bramer, Daniel R. Garodnick, Albert Vann, James F. Gennaro, Charles Barron, Leroy G. Comrie, Jr., Robert Jackson, Annabel Palma, Diana Reyna, James Sanders, Jr., Jumaane D. Williams, Ydanis A. Rodriguez, G. Oliver Koppell, Maria Del Carmen Arroyo, Julissa Ferreras-Copeland, Rosie Mendez, Elizabeth S. Crowley, Mathieu Eugene, Ruben Wills, Daniel Dromm

Indexes:

Attachments: 1. Committee Report 12/16/11, 2. Hearing Testimony 12/16/11, 3. Hearing Transcript 12/16/11, 4. Committee Report 1/3/12, 5. Hearing Transcript 1/3/12, 6. Hearing Transcript - Charter Meeting 1-4-12

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------------------------------|-----------------------------|--------|
| 12/16/2011 | * | Committee on Governmental Operations | P-C Item Laid Over by Comm | |
| 12/16/2011 | * | Committee on Governmental Operations | Hearing on P-C Item by Comm | |
| 12/19/2011 | * | City Council | Referred to Comm by Council | |
| 12/19/2011 | * | City Council | Introduced by Council | |
| 1/3/2012 | * | Committee on Governmental Operations | Hearing Held by Committee | |
| 1/3/2012 | * | Committee on Governmental Operations | Approved by Committee | Pass |
| 1/4/2012 | * | City Council | Approved, by Council | Pass |

Res. No. 1172

Resolution opposing the United State Supreme Court's interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that 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.

By Council Members Lander, Mark-Viverito, The Speaker (Council Member Quinn), Brewer, Levin, Chin, James, Rose, Van Bramer, Garodnick, Vann, Gennaro, Barron, Comrie, Jackson, Palma, Reyna, Sanders Jr., Williams, Rodriguez, Koppell, Arroyo, Ferreras, Mendez., Crowley, Eugene, Wills and Dromm

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

Whereas, This decision rolled back 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, In his eloquent dissent, Justice John Paul Stevens 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 *Citizens 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, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections; now, therefore, be it

Resolved, That the Council of the City of New York opposes the Supreme Court’s interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural

persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution.

SAG
LS# 3125
12/12/11