RESOLUTION NO. 2012-31
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
IN SUPPORT OF A CONSTITUTIONAL AMENDMENT TO OVERTURN
CITIZENS UNITED v. FEDERAL ELECTION COMMISSION

WHEREAS, government of, by and for the People is a fundamental tenet of American democracy and free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, human beings are rightfully recognized as "persons", with certain inalienable rights granted to them in the Constitution of the United States and the Declaration of Independence; and

WHEREAS, corporations are legal fictions created by human beings that can exist in perpetuity solely through legal charter, existing in many nations simultaneously, with monetary profit as their raison d’être; and

WHEREAS, the United States Supreme Court, in the landmark case Citizens United v. Federal Election Commission, ruled that certain restrictions under federal law on corporate political campaign advertisements violated the First Amendment’s free speech protections. The Supreme Court also affirmed that the United States Constitution endows “personhood” to corporations, thus providing civil and political rights to corporate entities, which are not human beings.; and

WHEREAS, this decision overturned a century of jurisprudence going back to the Tillman Act of 1907, which supported Congressional authority to restrict corporate political spending on federal elections, as well elements of the McCain-Feingold Act, known as the Bipartisan Campaign Reform Act of 2002; and

WHEREAS, Citizens United has resulted in a torrent of undisclosed corporate and special interest spending designed to influence the political process, as indicated by data collected by the Center for Responsive Politics and available at www.OpenSecrets.org showing that spending by non-party committees in the 2010 Congressional elections more than quadrupled from the 2006 Congressional elections; and

WHEREAS, corporations’ influence in the political process can lead to policy and legislative results that favor corporations over people, in direct conflict with the essential needs of human beings. Corporate interests do not always correspond with the public interest, and the ability of corporations to influence elections, and therefore policy outcomes, by spending without limitation on campaigns has a deleterious effect on the political process and therefore undermines American democracy; and

WHEREAS, a democratic government derives its just power from the people, and no true democracy is attainable when the process is determined by economic power alone. Thomas Jefferson said in 1816: “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”; and
WHEREAS, there is a national movement to amend the Constitution of the United States to overturn Citizens United and limit First Amendment protections to natural persons and not corporations.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Marin supports proposed as well as passed legislation in cities and states across the nation, including California's own AJR 22, an Assembly Joint Resolution, that calls upon Congress to propose and send to the states for ratification a constitutional amendment to overturn Citizens United v. Federal Election Commission, and to restore constitutional rights and fair elections to the people of the United States of America.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 24th day of April, 2012, by the following vote:

AYES: SUPERVISORS Katie Rice, Susan L. Adams, Judy Arnold, Kathrin Sears, Steve Kinsey

NOES: NONE

ABSENT: NONE

ATTEST:

[Signature]

PRESIDENT, BOARD OF SUPERVISORS

[Signature]

CLERK

Resolution No. 2012-31
Page 2 of 2