

(R-2013-337)

RESOLUTION NUMBER R- 307934

DATE OF FINAL PASSAGE DEC 18 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO IN SUPPORT OF A CONSTITUTIONAL  
AMENDMENT TO OVERTURN *CITIZENS UNITED*.

WHEREAS, free and fair elections are essential to American democracy and effective self-governance; and

WHEREAS, in *Citizens United v. Federal Election Commission*, the United States Supreme Court held that independent spending on elections by corporations and other groups could not be limited by government regulation, a decision that allows for unlimited corporate spending in elections; and

WHEREAS, in reaching its decision in *Citizens United*, the Supreme Court interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

WHEREAS, the *Citizens United* decision has proven to be one of the Court's most controversial decisions and supersedes state and local efforts to regulate corporate activity in their campaign finance laws; and

WHEREAS, in his eloquent dissent, Justice John Paul Stevens stated that “[c]orporations 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, members of Congress are seeking to amend the Constitution in order to reverse the *Citizens United* decision and establish that corporations are not entitled to the entirety of protections of natural persons; and

WHEREAS, several dozen municipalities, including New York City, Los Angeles, and Oakland, have successfully passed resolutions opposing the Supreme Court's interpretation of the Constitution in *Citizens United* and supporting Constitutional amendments; and

WHEREAS, the City of San Diego has a long history of demonstrating support for an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; and to prohibit contributions by organizations in order to develop a broader base of political efficacy within the community, as reflected in the San Diego Municipal Election Campaign Control Ordinance; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that it respectfully disagrees with the Supreme Court's interpretation of the Constitution in *Citizens United* regarding the rights of corporations; and

BE IT FURTHER RESOLVED, that the Council joins other cities in calling on Congress to begin the process of 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By *Catherine M. Bradley*  
Catherine M. Bradley  
Chief Deputy City Attorney

CMB:sc  
11/29/12  
Or.Dept:Council District 7  
Doc.No:472864\_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,  
at its meeting of DEC 04 2012.

ELIZABETH S. MALAND, City Clerk

By *Elizabeth S. Maland*  
Deputy City Clerk

Approved: 12/18/12  
(date)

*Bob Filner*  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor