

New Business:

R-70-2014: Resolution in support of Stoughton Move to Amend

Moved by Jensen, Second by Engelberger to approve Resolution R-70-2014.

The current resolution states that the City is taking a stand and endorsing : Hohol and Lawrence are in favor of the referendum, but not the position in the resolution. This is two parts, one the resolution and two the referendum. Selsor and Engelberger spoke in support.

Move to table by Lawrence and second by Hohol to send back to CA/CP committee. Ask the committee to split the point and bring back a resolution to put the referendum question on the next ballot. Motion to table carried by acclamation 12-0.

Vote on Main motion: Motion tabled.

R-72-2014: Authorizing and directing the proper City official(s) to issue an Operator's License to Matt Vogel

Motion by Swadley, second by Lawrence to approve Resolution R-72-2014.

Swadley stated that according to policy, the application should be denied and Public Safety committee recommended the same.

Alder Lawrence pointed out that Public Safety voted to deny based partly on the fact that Vogel did not attend the committee meeting.

Alder Christianson felt that Vogel deserves a second chance and made a good presentation to Council.

Alder Hohol, while agreeing that people deserve second chances, reminded the Council that this violation is only a couple months old.

Alder Majewski, unfortunate that Vogel could not attend the meeting, felt he had paid his price through the court system and his apology to Council.

Chief Leck, recommended following the policy, but added that if council wishes to approve the license that they consider approving a one year license so it can be checked on in one years' time.

Motion by Lawrence to amend the motion to make it a one year operator license, second by Christianson.

Motion to amend to one year license carried by acclamation, 11-1 (Engelberger opposed)

Main Motion carried by roll call 10-2 (Hohol and Engelberger opposed)

R-75-2014: Authorizing and directing the proper City official(s) to approve the Liquor License renewals for the period of July 1, 2014 to June 30, 2015.

Motion by Swadley second by Lawrence. Motion carried by acclamation 12-0

R-76-2014: Authorizing an Application for a Temporary Class "B"/"Class B" Retailer's license to serve fermented malt beverages to the Dane County Friends of Scandinavian Culture, Inc. for the 1st annual Catfish River Music Festival to be held July 3, 2014 through July 6, 2014 at Rotary Park

Motion by Swadley second by Lawrence to approve.

Christianson questioned how the alcohol consumption will be contained within the area. Chief Leck was available to answer questions.

Motion carried by acclamation 12-0

**RESOLUTION # R-70-2014
STOUGHTON CITY COUNCIL**

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 of life, liberty, property, and the pursuit of happiness is guaranteed in the U.S. Constitution and the Declaration of Independence, and;

Whereas: Free and fair elections are essential to democracy and effective self-governance, and;

Whereas: The 2010 *Citizens United v. the Federal Election Commission* case, which was decided by a split (5 to 4) decision, removed the legal limits on contributions and expenditures in elections: (1) creates an unequal playing field and allows unlimited spending by individual persons, corporations, unions, and other entities to influence elections, candidate selection, and policy decisions, and (2) forces elected officials to divert their attention from the concerns of We the People, or even vote against the interest of their human constituents, in order to raise campaign funds for their own re-election, and;

Whereas: Corporations and unions are legal entities chartered by the government, which, while they may be useful to the functioning of our economic system, are not human beings and thus do should not have the same Constitutional rights as American citizens, and;

Whereas: Allowing for the unlimited contributions and spending money on elections is contrary to the democratic principle of one person, one vote. It allows those with the most money to have an unfair advantage and undue influence in a political system that was intended to ensure that all citizens have equal access to and influence in the political process. The great wealth of big unions and multinational or large corporations allows them to wield undue influence on this national electoral process, and;

Whereas: Millions of people, and Local, County, and State governments across the nation are joining with the Move to Amend Campaign and passing resolutions demanding an Amendment to the U.S. Constitution to: (1) eliminate the extension of Constitutional rights — originally reserved for human beings — to corporate entities, and (2) abolish the doctrine that political contributions and expenditures are equivalent to free speech rights.

THEREFORE, BE IT RESOLVED, that “We the People” of the City of Stoughton, Wisconsin, seek to reclaim democracy from the expansion of corporate Constitutional rights (e.g., “corporate personhood”) and the corrupting influence of unregulated political contributions and spending. We stand with the Move to Amend campaign and communities across the country to support passage of an amendment to the United States Constitution stating:

1. Only human beings — not corporations, limited liability companies, labor unions, non-profit organizations, or similar associations and corporate entities — 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 we hereby instruct out state and federal representatives to enact resolutions and legislation to advance this effort.

BE IT FURTHER RESOLVED, that the City Council of the City of Stoughton supports the initiatives by Stoughton Move to Amend and supports their efforts to independently take those steps needed to have an appropriate referendum question placed on the November 2014 election ballot.

Council Action: **Adopted** **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

Donna Olson, Mayor _____ Date _____

Council Action: _____ ☐ **Override** **Vote** _____

Why Stoughton Should Support Amending the Constitution to Overturn Citizens United

Before *Citizens United*

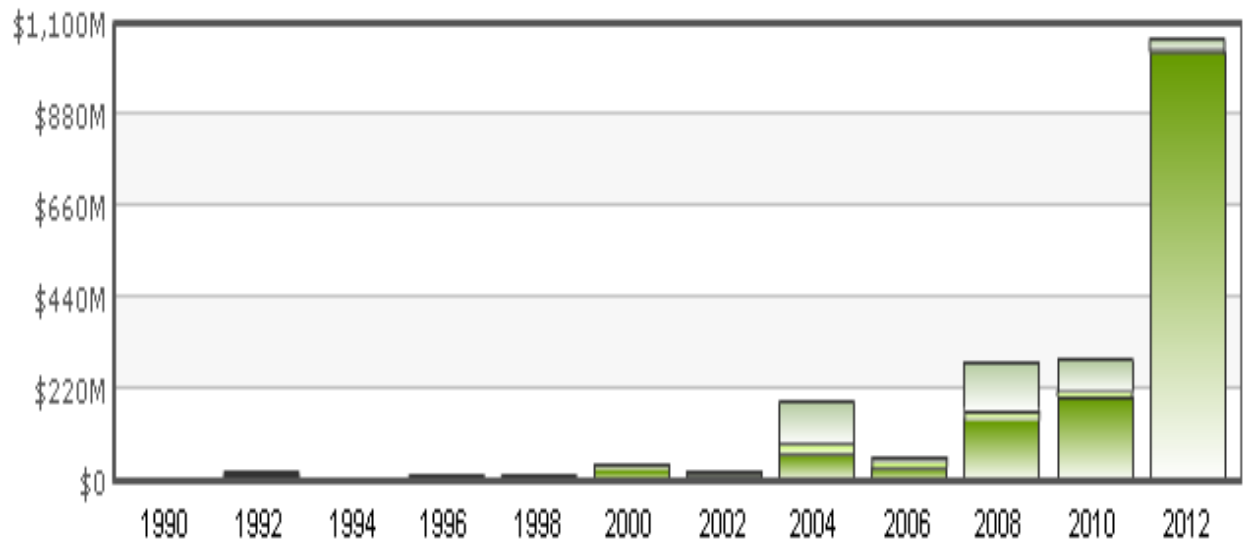
The U.S. Constitution's Bill of Rights protected the rights of American people. Corporations existed as "legal fictions" to serve the needs of We the People. For over 200 years of American history, corporations helped the United States of America to prosper, without explicitly being granted rights reserved for human beings. As creations of the State, corporations were granted *privileges* which could be revoked, not constitutional *rights*.

After *Citizens United* (*Citizens United vs FEC 2010*)

The Supreme Court's *Citizens United* decision wedded the concepts of "corporations as people" and "money as speech," striking down all prior laws regulating spending in political elections.

The effect of the *Citizens United* decision and prior related decisions include:

- Skyrocketing, uncontrolled campaign expenditures have shut out candidates who can't even get on the ballot, let alone get elected, because they don't accept the thousands or millions of dollars in campaign contributions from corporations, unions, and extremely wealthy individuals, which then expect to have laws and regulations passed that benefit them, and that, in many cases, the corporations or other wealthy donors themselves have written.
- A 'pay-to-play' culture in public policy-making that concentrates power in the hands of those with the most money
- A muffling of the political voices of flesh-and-blood American citizens
- Restrictions on federal, state, and local governments' ability to protect the public interest when it conflicts with corporate interests. Large corporations can strike down local, state, and federal laws, taxes, and regulations created to protect towns, family farms, small businesses, workers, home owners, the environment, consumers, and the public.
- The below graph of election spending over the last decade demonstrates the skyrocketing influx of money influencing our elections:



Total Outside Spending by Election Year, in Millions of dollars

(from Center for Responsive Politics, www.OpenSecrets.com)

Frequently Asked Questions

What are we trying to do?

We believe that self-governing citizens in local jurisdictions should be able to pass laws, including campaign finance laws, which support and protect their local interests. Therefore, the goal is to reclaim our democracy by amending the U.S. Constitution to make it clear that only natural human beings, not corporations or labor unions, have constitutional rights, and that money is not speech.

Why are people so concerned about corporate political contributions?

Corporations' interests are limited to what is good for that corporation, which is mainly their bottom-line profit. Corporations don't have families or children; they cannot be sent to war or to jail; they 'reside' in multiple jurisdictions simultaneously, and have no loyalty to any particular country; they can accumulate more wealth than any individual (even more than entire nations), and they never die.

What about unions?

Labor unions are organizations for which political contributions were deregulated by the *Citizens United* decision, just as for corporations, and their political contributions would be subject to regulation again after an amendment overturning *Citizens United* is adopted.

What is corporate personhood, and why are people so worried about it?

Human beings who work for, run, and own corporations are, of course, entitled to the protections provided by the U.S. Constitution's Bill of Rights. However, a corporation is a legal invention granted special privileges, by state charters, for making money. By declaring that corporations are 'persons' within the meaning of the words of the Constitution, *Citizens United* extended human rights such as free speech and privacy to corporations. The effects of this go far beyond campaign finance. For example, the right to privacy means that regulators are not allowed to make surprise inspections.

If "corporate personhood" is so bad, how did it end up on the books?

In the 1886 *Santa Clara County v. Southern Pacific Railroad* U.S. Supreme Court case records, a court reporter placed into the headnotes a statement indicating that corporations are "persons" under the 14th Amendment. Headnotes have no legal standing, and the Court never ruled on the issue; however these notes became precedent for future judicial decisions. The Constitution itself never mentions corporations. Corporate attorneys have been pressing for, and gradually promoting in various laws, the concept of "corporate personhood" (corporate Constitutional rights) for more than a century.

What about the idea that money is speech (that spending money is the same as speaking)?

This is another creation of the U.S. Supreme Court — the Constitution does not advance this concept. In the 1976 U.S. Supreme Court case *Buckley v. Valeo*, the court ruled that spending money to influence elections is a form of free speech.

Why do we need a constitutional amendment?

No legislature can reverse *Citizens United* by passing a law. Any legislation challenging corporate Constitutional rights or money as speech would be struck down by the prevailing U.S. Supreme Court decision in *Citizens United*. *Citizens United* could be overturned by the U.S. Supreme Court; however this is unlikely to happen anytime soon. Even if the U.S. Supreme Court were to overturn “corporate personhood” (corporate Constitutional rights), a later Court revisiting the issue could reinstate a *Citizens United*-like decision at any time in the future. Therefore, a Constitutional amendment is the only sure means to reverse the effects of *Citizens United*.

Why are we working to pass local referendums?

Federal and state legislators are too beholden to corporate campaign finance to be able to take the initiative to reverse *Citizens United*. Politicians are trapped: if they don’t utilize the huge donations, they can’t get elected; if they do accept them, they must pass legislation favorable to their wealthy donors rather than favorable to their human constituents. This means that federal, and increasingly, state politicians, allow the most generous donors to control where tax dollars go (for corporate tax relief), what decisions are made (those which favor what is good for the bottom line of corporations, even when those decisions are distasteful, harmful, or even poisonous to community citizens, and prevent them from enacting local laws and regulations to protect themselves). It takes control and finances away from local communities and towns, for the benefit of the wealthiest donors. We, the People, must take the required action to protect our rights and control our own government — a Constitutional amendment.

Local referendums are a powerful tool because they:

- help to educate and mobilize citizens
- send a potent message to bring our lawmakers to action

Which Wisconsin communities already passed similar resolutions?

Cities: Delavan (76%), Edgerton (87%), Elkhorn (69%), Lake Mills (73%), Madison (84%), Waukesha (69%), Wauwatosa (64%), West Allis (70%), Whitewater (84%), Fort Atkinson (77%), Kenosha

Villages: Belleville (85%), DeForest (70%), Shorewood (76%), Waunakee (79%), Whitefish Bay (65%)

Towns: Avon, Cross Plains, Exeter, Farmington, Jefferson, Koshkonong, Lake Mills, Oakland, Porter, Plymouth, Newark, Richmond, Spring Valley, Sumner, Watertown, Waterloo (61%), Westport, Windsor (70%)

Counties: Chippewa (68%), Dane (78%), Douglas, Dunn, Eau Claire (71%), Jefferson, Kenosha

Activities of Stoughton Move to Amend Group:

We have already collected over 400 signatures in support of putting the referendum on the November ballot. We have held a community informational meeting, had a presence at Syttende Mai, the Memorial Day Parade and have been going door-to-door. The Stoughton Courier Hub printed an article in the May 15 edition. Anyone wishing to assist in this effort should contact Tami Vieth (tamivieth1@gmail.com or 333-4602) or Linda Muller (lnsm@charter.net or 576-6374)

We want to the Council for considering this important matter..

