

Senate Concurrent Resolution No. 1602

By Senator Holland

2-5

1 A CONCURRENT RESOLUTION urging Congress to pass an
2 amendment to the United States Constitution to overturn the holding
3 in *Citizens United v. Federal Election Commission*.
4

5 WHEREAS, The protections afforded by the first amendment to the
6 United States Constitution to the people of our nation are fundamental to
7 our democracy; and

8 WHEREAS, The founders of the republic and the signers of the
9 United States Constitution clearly and emphatically intended for freedom
10 of speech to mean freedom to communicate with and by natural persons
11 either directly or through the free press; and

12 WHEREAS, Such freedoms were never intended by the founders to
13 apply to corporations, which have special advantages not enjoyed by
14 natural persons, such as limited liability, perpetual life and favorable
15 treatment of the accumulation and distribution of assets, that allow them
16 to spend prodigious sums on campaign messages that have little or no
17 correlation with the beliefs held by natural persons; and

18 WHEREAS, Free and fair elections are essential to democracy and
19 effective self-governance; and

20 WHEREAS, The United States Supreme Court ruled on January 21,
21 2010, in *Citizens United v. Federal Election Commission*, that
22 corporations have the same first amendment rights as naturally born
23 persons, and that corporations can spend unlimited amounts of money on
24 elections; and

25 WHEREAS, There is an unequal playing field that allows
26 corporations to spend without limit to influence elections, candidate
27 selection and policy decisions and to sway votes; and

28 WHEREAS, Corporations own most of America's mass media and use
29 that media to loudly express such corporations' political agendas through
30 partisan rhetoric which seeks to mislead the citizens of this country
31 instead of informing them of the issues, which in turn forces those
32 citizens to discern the truth behind headlines and election campaigning;
33 and

34 WHEREAS, Article V of the United States Constitution empowers
35 and obligates the people and states of the United States of America to use
36 the constitutional amendment process to correct those egregiously wrong

1 decisions of the United States Supreme Court that go to the heart of our
2 democracy and republican form of self-government; and

3 WHEREAS, The United States Supreme Court is misguided in
4 principle and wrong on the law, because in a democracy the people rule:
5 Now, therefore,

6 *Be it resolved by the Senate of the State of Kansas, the House of*
7 *Representatives concurring therein:* That Congress is hereby urged to
8 immediately transmit to the several states for ratification an amendment
9 to the United States Constitution that would effectively overturn the
10 holding in *Citizens United v. Federal Election Commission*, thereby
11 returning our democracy, our elections and our communities to the
12 people, and thus reclaiming our sovereign right to self-governance; and

13 *Be it further resolved:* That the Secretary of the Senate shall send an
14 enrolled copy of this resolution to each member of the Kansas
15 Congressional Delegation.