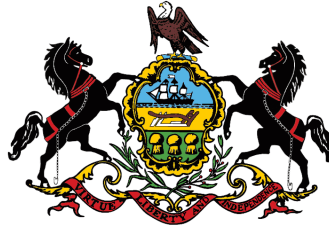


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Public Testimony
City Council of Philadelphia
Committee on Law and Government
Re: Bill No. 130059 & Resolution No. 130073
Tuesday, June 11, 2013
1 p.m.

Good afternoon, Chairman Greenlee, Vice Chair Kenney, and members of the City Council of Philadelphia Committee on Law and Government.

My name is Hilary Emerson, Esquire, and I am the Chief Legislative Aide for State Representative Cherelle L. Parker of the 200th Legislative District and Chair of the Philadelphia Delegation of the Pennsylvania House of Representatives. I am here on behalf of Representative Parker to provide testimony in support of Bill 130059 and Resolution 130073, both of which have been introduced by Councilwoman Maria Quiñones Sánchez. Representative Parker regrets that she could not personally testify in support of this significant legislation. As you well know, it is the peak of budget season in both Philadelphia and Harrisburg. However, because of her commitment to preserving the voice of the people through the election process, Representative Parker has asked me to present the following testimony to highlight the importance of this legislation.

Under Bill 130059 and Resolution 130073, the citizens of Philadelphia will have the opportunity to urge Congress to amend the United States Constitution to overturn the Supreme Court's 2010 decision, *Citizens United v. Federal Election Commission*. This legislation will also urge members of the Pennsylvania General Assembly to ratify an amendment proffered by Congress to overturn *Citizens United*.

Citizens United was a severe blow to democracy and the integrity of the election process. By declaring that corporations are equivalent to human beings and therefore possess constitutional rights, the Supreme Court effectively deflated the voice of ordinary citizens in one of the defining elements of our democracy: the election process.

Corporations, unlike ordinary citizens, can exercise political clout with their bank accounts. For example, corporations can hire lobbyists to express their interests and concerns to elected officials. *Citizens United* increased the political power of corporations by permitting them to spend unlimited amounts of money to advocate for particular individuals or causes under the guise of free speech.

Ordinary citizens simply cannot compete with the political and economic power that stems from corporations' immense wealth and resulting access. With an unemployment rate of 7.6% in the U.S.¹ and Pennsylvania² and 10.3% in Philadelphia³, many citizens across the nation are struggling just to keep the lights on or put food on the table. We, the elected officials, are the only lobbyists that our citizens can afford to advocate on their behalf regarding issues that impact every aspect of their lives. It is simply unjust for amorphous entities that cannot vote and are not given representation in our elected bodies to be permitted to wield such exorbitant power by virtue of their deep pockets.

I am happy to report that as of June 10, 2013, 15 states plus Washington D.C. have called on Congress through resolutions, letters to their respective Congressional delegations, and voter referenda to pass an amendment to the Constitution⁴ that overturns *Citizens United*. These states are New Jersey, Delaware, Maryland, California, Colorado, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Montana, New Mexico, Rhode Island, Vermont, and West Virginia.

It is my sincere hope that Pennsylvania will soon join the ranks of these states in calling for the reversal of this terrible decision. Furthermore, I pledge to continue raising awareness about the inequitable influence of corporate dollars in the election process by working in a bipartisan manner to introduce a resolution in the Pennsylvania House of Representatives exhorting Congress to amend the Constitution to declare that corporations are not equivalent to human beings and thus do not possess constitutional rights.

I am thrilled that momentum is already building for this resolution across the state. To date, seven counties and municipalities in Pennsylvania, including Philadelphia⁵, have joined the national chorus of nearly 500 municipalities in 32 states⁶ to express their disapproval of *Citizens United* and their desire to see it overturned through constitutional amendment. The Philadelphia City Council's Resolution, which was adopted on June 21,

2012, was spearheaded once again by Councilwoman Quiñones Sánchez, along with Councilmembers Tasco, Jones, and Bass⁷. I hope that many more municipalities in the Commonwealth will take similar steps in the coming months and that we will soon see Pennsylvania on the list of states calling for the reversal of *Citizens United* through a constitutional amendment.

Today, Philadelphia, the birthplace of our Democracy and our Constitution, is taking its advocacy to the next level by providing its citizens the opportunity to urge Congress *personally* to amend the Constitution to reduce the influence of money in politics and establish that corporations are not people with constitutional rights. In taking this step, Philadelphia joins other major cities like Chicago and San Francisco that have placed similar referenda on the ballot. In both cities, the referenda passed with overwhelming voter support⁸.

Of the more than 8.2 million registered voters in Pennsylvania, over one million are registered in Philadelphia⁹, the fifth largest city in the United States¹⁰. Providing the citizens of Philadelphia the opportunity to declare their disapproval of *Citizens United* would be a powerful statement, not only to the General Assembly, but also to the entire country. Together, we can build a nationwide coalition, city by city and state by state, to reverse *Citizens United* and ensure that our government reflects the will of the people, not corporations with deep pockets.

In closing, I want to express my sincerest appreciation to Councilwoman Quiñones Sánchez for her leadership on this issue and for championing the voice of the people whom elected officials are intended to serve. As a locally elected governing body, City Council is one of the levels of government most accessible to the citizens of Philadelphia and attuned to the hearts and minds of its constituents. This referendum will give Philadelphia citizens the opportunity to use the voice that *Citizens United* has threatened to declare that our government is a government of the people, by the people, and for the people.

Thank you very much for affording me the opportunity to present testimony on the record regarding this issue of great importance to the Philadelphia community at-large. I would be happy to answer any questions regarding Representative Parker's testimony.

¹ News Release, United States Department of Labor, Bureau of Labor Statistics, June 7, 2013, <http://www.bls.gov/news.release/empsit.nr0.htm>.

² *Pennsylvania Fast Facts*, May 2013 Edition, released May 24, 2013.

³ *Pennsylvania Comparison of Local Area Unemployment Statistics*, April County Unemployment Rate, Seasonally Adjusted, Pennsylvania Department of Labor & Industry, May 29, 2013.

⁴ Public Citizen, <http://www.democracyisforpeople.org/>; *Ill. Becomes 14th State to Back Amendment to Overturn Citizens United Ruling*, Legal Newsline, June 3, 2013, <http://legalnewsline.com/news/241949-ill-becomes-14th-state-to-back-amendment-to-overturn-citizens-united-ruling>; United for the People, <http://www.united4thepeople.org/local.html#Passed>.

⁵ United for the People, <http://www.united4thepeople.org/local.html#Passed>; Resolution No. 120601, City Council of Philadelphia, <http://phila.legistar.com/LegislationDetail.aspx?ID=1236578&GUID=8DA7108C-69AD-4B1E-AD36-90C8968094B1&Options=ID%7cText%7c&Search=citizens+united>.

⁶ *Ill. Becomes 14th State to Back Amendment to Overturn Citizens United Ruling*, Legal Newsline, June 3, 2013, <http://legalnewsline.com/news/241949-ill-becomes-14th-state-to-back-amendment-to-overturn-citizens-united-ruling>; United for the People, <http://www.united4thepeople.org/local.html#Passed>.

⁷ Resolution No. 120601, City Council of Philadelphia, <http://phila.legistar.com/LegislationDetail.aspx?ID=1236578&GUID=8DA7108C-69AD-4B1E-AD36-90C8968094B1&Options=ID%7cText%7c&Search=citizens+united>.

⁸ United for the People, <http://www.united4thepeople.org/local.html#Passed>.

⁹ Pennsylvania Department of State, Information as June 10, 2013.

¹⁰ The Pew Charitable Trusts, Philadelphia Research Initiative, http://www.pewtrusts.org/our_work_category.aspx?id=578.