

***Appendix D: A Resolution to Call for Action to Restore the Dream of Democracy  
(A Response to the U.S. Supreme Court Decision *Citizens United vs. Federal Elections Commission*)***

Proposed by the Church Council of the First Congregational Church Williamstown, United Church of Christ

*Background: In a 5-4 ruling in *Citizens United v Federal Election Commission*, the Supreme Court held for the first time that corporations, both for-profit and not-for-profit, and unions have a First Amendment*

*right to spend unlimited amounts from their treasuries to support or oppose candidates for elected office. Prohibitions on corporate political donations, according to the court, violate the First Amendment-guaranteed free speech rights of corporations.*

**WHEREAS**, Christians believe that human beings are created in the divine image (Genesis 1:26) and set as stewards over all creation (Genesis 2:15); we are not created to be proprietary landowners who can exploit the earth's people and resources for our own gain (i.e. Leviticus 25:23-24, 53-55);

**WHEREAS**, Corporations, both for-profit and non-profit, are not endowed by their creator - be it the state or a god –with inalienable rights and, further, are obliged by their bylaws to pursue a stated purpose, which is necessarily limited, and the profits and institutional survival of large corporations are often in direct conflict with the essential needs and rights of human beings;

**WHEREAS**, The ancient Abrahamic tenets of justice, righteousness, and loving-kindness teach us that equity and compassion within our human community must be the very foundation of our society (i.e. Deuteronomy 24:14-22);

**WHEREAS**, Jesus challenged corrupt institutional practices publicly in the synagogue when he said, “The Sabbath was made for man, and not man for the Sabbath,” (Mark 2: 27) and later he simplified all law into the dual love commandment: “You shall love the Lord your God with all your heart, and with all your soul, and with all your strength, and with all your mind: and your neighbor as yourself,” (Luke 10.27);

**WHEREAS**, The First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;

**WHEREAS**, For the past three decades, the United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically-enacted reforms<sup>1</sup>, and this abuse of the First Amendment has reached its extreme conclusion in the United States Supreme Court's recent ruling in *Citizens United v. FEC*, overturning longstanding precedent prohibiting corporations from spending their general treasury funds in our elections<sup>2</sup>;

**WHEREAS**, The United States Supreme Court's ruling in *Citizens United v. FEC* will now unleash a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history<sup>3</sup>;

**WHEREAS**, These judicial decisions have rendered democratically elected governments ineffective in protecting their citizens against corporate harm to the environment, health, workers, independent business, and local and regional economies, insomuch that it has upended the foundational legal principle that whatever rights and privileges corporations and other incorporated organizations possess are granted to them by state and not federal Constitutional law;

**WHEREAS**, The Court's decision, in that it greatly enhances the political power of global corporations to exploit labor and gain control of diminishing resources, may overwhelm the hope to address humanity's most urgent crises – food insecurity, peak oil, and climate change, and

**WHEREAS**, This decision will negatively affect local communities, small businesses, and future economic and cultural innovators as corporations use their special status to enrich and empower themselves at the expense of humankind and the rest of Creation<sup>4</sup>;

**WHEREAS**, This decision will further deprive individual citizens of the sense that they matter, that they are connected to one another, and that they can hope to work for personal and communal fulfillment

within an old vision of true religious faith “to do justice, and to love kindness, and to walk humbly with your God” [Micah 6:8]<sup>5</sup>;

**WHEREAS**, Reminiscent of the words and experience of Martin Niemöller, German anti-Nazi theologian, the *Citizens United v. FEC* ruling is a sign before us that – regardless of our personal politics or consent – Americans are now being inexorably conformed to a new, non-democratic reality in the United States, or, said differently, we are in the process of becoming *participants in our own subjugation*<sup>6</sup>;

**WHEREAS**, The United Church of Christ and its predecessor bodies (along with the vast majority of other faith communities) have longstanding commitments to ensure the basic human rights of all persons in the context of justice; and

**WHEREAS**, This proposed resolution in this past year has been a model and catalyst for other entities such as The League of Women Voters, Public Citizen ([www.citizen.org](http://www.citizen.org)), the Network of Spiritual Progressives (TIKKUN) and has caught the attention of the UCC National Justice and Witness Ministries;

**RESOLVED**, That the 212th Annual Meeting of the Massachusetts Conference of the United Church of Christ, as the first UCC Conference voice in this struggle, hereby urges local church members, local congregations, and other entities within our denomination to join in advocacy and action along with the widest possible circle of citizens **to call upon the Congress of the United States to send to the states for ratification a constitutional amendment to restore the First Amendment and fair elections to the people.**

#### **ACTION PLAN:**

The proposers will continue to:

- 1) Provide education and resources for conversation and study for individuals and churches to send similar resolutions to their representatives and Congress. These resources will also be appropriate for any groups or civic societies of which church members may be a part.
- 2) Provide resources to churches to aid them in creating a petition for their town councils that they too might vote on a resolution such as this to appeal to Congress.
- 3) Provide Biblical and Theological resources for Bible study, sermon and liturgical use. (These activities have been ongoing for the past year.)

The proposers further plan to:

- 1) Offer these resources as they are able through the Conference website and printed material.
- 2) Offer speakers willing to come to churches to discuss this topic and aid in action.

#### **- End Notes -**

**(1)** As an example of the transformation of the First Amendment as a corporate tool see the following articles: *Covert Operations: The billionaire Koch brothers war against Obama* by Jane Mayer, The New Yorker, Aug. 30, 2010 and *Koch Brothers' Money Fuels Wisconsin Fight*, NYTimes, Feb. 21, 2011

**(2)** The 80-page **dissent** in *Citizens United v. FEC* held that the Court's ruling "threatens to undermine the integrity of elected institutions across the Nation." Supreme Court Justice John Paul Stevens concluded his dissent with:

“At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government

since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.”

To summarize: *What did the Court decide in Citizens United?* On top of all the special economic privileges and powers that corporations already possess, the Court has now, amazingly granted to corporations political rights greater than the people as a whole. In short, the decision has now endowed corporations with ‘**personhood**’ and made a mockery of the sacred concept of “We, the People”, and an awakened democracy. Said differently, every phrase in the Constitution designed to protect the obscure individual (i.e. most of us) has become an instrument for the protection of large organizations.

**(3) Citizens United v. FEC: One Year Later.** One year ago as of Jan. 21, 2011, the U.S. Supreme Court reversed a century of jurisprudence by permitting corporations to spend unlimited amounts to influence elections. The opinion, which also reversed many Supreme Court precedents and statements, resulted in exploding expenditures, diminishing disclosure and a furious public backlash.

The major Advocacy Group, Public Citizen, just published a very detailed 80-page report on the consequences of Citizens United during the past year. You can access it under HYPERLINK "<http://www.citizen.org/12-months-after>" <http://www.citizen.org/1#EA77E0>. For a good two page summary of the report go to HYPERLINK "<http://www.citizen.org/12-months-after>" <http://www.citizen.org/12-months-after>.

**(4)** The majority’s position was based on the notion that corporations are “persons” with the same free speech rights as natural persons. The dissenting four justices maintained that that is a fiction and that the First Amendment protections and prerogatives belonged solely to the people.

In chapter 8 “The Personification of Corporation” in *The Folklore of Capitalism*, (Yale University Press, 1937), Thurman W. Arnold, one of the foremost corporate lawyers in the country during his professional lifetime, attacked the “folklore” that corporations were legally “persons” and as such had the same constitutional rights as citizens.

“One of the essential and central notions which give our industrial feudalism logical symmetry is the personification of great industrial enterprise. The ideal that a great corporation is endowed with the rights and prerogatives of a free individual is as essential to the acceptance of corporate rule in temporal affairs as was the ideal of the divine right of kings in an earlier day. Its exemplification, as in the case of all vital ideals, has been accomplished by ceremony. Since it has been a central ideal in our industrial government, our judicial institutions have been particularly concerned with its celebration. Courts, under the mantle of the Constitution, have made a living thing out of this fiction. Men have come to believe that their own future liberties and dignity are tied up in the freedom of great industrial organizations from restraint, in much the same way that they thought their salvation in the future was dependent on their reverence and support of great ecclesiastical organizations in the Middle Ages.”

**(5)** “Jesus incarnated the Human Being and taught his disciples to do the same (p 151).” [And in so doing] “We have to decide for ourselves what is right (Luke 12:57). We have to take the authority of the Human Being upon ourselves (Mark 2:28 par.) to live as humanly and humanely as we can in the maw of an unjust world. We are not asked to become gods, but to try to become human (p 175).” -Walter Wink, *The Human Being: Jesus and the Enigma of the Son of the Man*.

**(6)** The wonderfully apt phrase “participants in our own subjugation” derives from the following paragraph (p. 204) in Kahl, Brigitte, *Galations Re-Imagined*, Minneapolis: Fortress Press, 2010:

“This is a vivid illustration of what Ando [Ando, Clifford, *Imperial Ideology and Provincial Loyalty in the Roman Empire*] describes as the body politic of empire, that is, the perpetual search

of its rulers “to found their actions on the consensus of their subjects, making them active participants in their own subjugation by urging them to iterate the principles of the ruling order.” Maybe this is the “setting of life” where one of Paul’s most authentic and uncensored exclamations in his Galatian correspondence gains immediate plausibility: “You stupid Galatians . . .” (Gal 3:1)