From:	J. Kevin Hunt
To:	Grp. City Council and City Web Site
Cc:	montana@movetoamend.org
Subject:	Dangerous Move to Amend Proposal and Mayoral Proclamation
Date:	Monday, January 25, 2021 10:18:59 PM

Dear Mayor & Council:

I joined the 1/25/21 Council Zoom meeting a bit too late, apparently, to be able to comment regarding the agenda item pertaining to the Mayor's proclamation concerning the need to countermand the SCOTUS Citizens United decision via amendment of the United States Constitution.

While I of course share the sentiment that a Constitutional amendment is needed in order to secure the power of states and Congress to regulate campaign spending, I cannot support the grossly overbroad language of the Move to Amend proposed Constitutional Amendment; nor can I support declarations that corporations should have no rights under the Constitution. I am quite certain that neither any of you, nor my friends in Move to Amend and the Democratic Party, would support these sweeping, unfocused, poorly worded measures either, upon thinking through the dangerous ramifications of that sweeping language.

I made these same points last year when Move to Amend arrived en masse to support the Proclamation then before the Council, explaining that I stood because I concurred with the true objective but not with the dangerous text of Move to Amend's proposed Constitutional Amendment or the overbroad wording of the Proclamation.

Please consider the following:

1. My Democrat friends should consider that the legal entity constituting the body of the Democratic Party of the United States is the Democratic National Committee, also known as the "Democratic Service Corporation" ("DSC").

2. The urban renewal agency, the Poverello Center and hundreds of non-profit organizations likewise are corporations, as is the City of Missoula.

3. The problem is massive campaign spending by powerful corporations and wealthy individuals that drowns out other voices and buys political influence.

4. The proposed solution would not only stifle speech, but would remove constitutional protections of, for example, the American Civil Liberties Union, against government searches of its offices, compelled production of its correspondence, membership lists, finances, etc. The total vitiation of Constitutional protections would permit banning of targeted political parties. And on and on.

5. Simply providing that corporations may be granted such "privileges" as ad hoc legislative majorities choose to confer, is no protection since such privileges are repealable at the whim of the legislative majority or government agency enacting the applicable statute or promulgating the applicable regulation.

Nothing would prevent a government controlled by one ideology from conferring "privileges" upon corporate entities sharing that ideology while denying such "privileges" to those of

different and dissenting political platforms and philosophies. After all, the right to Equal Protection of the Laws would no longer restrain such discrimination.

Churches exist as special kinds of corporations. They would no longer be guaranteed equal rights. One particular church – for example, a white supremacist-dominated one – could be granted "privileges" and others could be denied them.

Imagine what a far-right psychotic President – or body-slamming Governor – backed by legislative majorities and hordes of armed sycophantic mobs could do with such power. Think of what was done with it in 1939s Germany. In 21st Century Egypt.

Most news media would lose their First Amendment protections.

6. The proposed amendment's overbroad "no constitutional rights for corporations" first section, and wide-open authority to control individual political expenditures in its second section, would permit criminalization of production of any material by an individual intended to advocate any position regarding a ballot measure or supporting or opposing any candidate or party in an election, that was deemed a threat to a repressive regime, because other than one's own voice and gestures, there is virtually no form of such advocacy and propaganda that does not entail some expenditure, however miniscule.

7. The property and assets of opposition political parties, public interest groups, et al could be forfeited to, condemned by, seized by, and prohibitively taxed by government without any compensation or probable cause of crime.

8. To evade restrictions imposed pursuant to the amendment's exclusion of corporations from Constitutional protections, groups could simply establish alternative artificial person legal entities such as partnerships and cooperatives. Such conversions will occur because without the limitations on personal liability conferred by the entities, activists are subject to debilitating harassment in the form of SLAPP suits, greatly chilling activism. The next predictable step by a reactionary government would be selective stripping of common law and statutory privileges such as limited immunity from personal liability, from targeted "enemy" non-corporate entities.

The antidote for the foregoing poison is to craft a narrow Constitutional amendment that focuses on the problem with pinpoint precision, in language permitting regulation of political campaign expenditures, artfully drafted so as to serve the desired remedial objective, and only that objective.

Sincerely,

/s/ J. Kevin Hunt
Ward 1