

RESOLUTION R-2017-42
LUZERNE COUNTY COUNCIL

A Resolution of Luzerne County Council to Establish a Position of the Luzerne County, State of Pennsylvania that Tough, New Anti-Corruption Laws for Politicians, Lobbyists, and Outside Groups such as Super PACs are Necessary in Order to Protect and Promote the First Amendment Free Speech Rights of All Citizens, Regardless of Wealth, and to Restore Ordinary Americans as the Most Important Stakeholders in Government Instead of Major Donors

WHEREAS, the proper operations of responsible government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the community and the government; that public office not be used for personal gain; that officials and employees not be unduly or inappropriately influenced by those they regulate or by those who seek special benefits from Luzerne County; and that the public have confidence in the integrity and transparency of its government; and,

WHEREAS, limits on contributions to political candidates are justified by the need to reduce corruption and the appearance of corruption, as outlined in *Buckley v. Valeo* (1976), and,

WHEREAS, contributions to candidates, and political spending on their behalf, from lobbyists, Super PACs, etc. present a special risk of corruption; and,

WHEREAS, the United States Supreme Court held that restrictions on official actions taken by legislators in situations in which there may be conflicts of interests do not constitute restrictions on the First Amendment free speech rights of legislators. *Nevada Commission on Ethics v. Carrigan*, 564 U.S. 117 (2011); and,

WHEREAS, in the *Carrington* decision Justice Scalia, writing for the court noted that the legislative power committed to an elected individual is not personal to the legislator but belongs to the people; the legislator has no personal right to it. Moreover, the legislator casts his or her vote as “trustee for his or her constituents, not as a prerogative of personal power.” *Id.* At 126.; and,

WHEREAS, closing “the revolving door,” where elected representatives and senior staff sell off their legislative power for high-paying jobs, is important to ensure that government employees are not “influenced in the performance of public duties by the thought of later reaping a benefit from a private individual.” *Brown v. District of Columbia Board of Zoning*, 413 A.2d 1276, 1282 (D.C. App. 1980); and,

WHEREAS, with nearly six billion dollars spent in the 2012 elections, where the vast majority came from large special interest donors, politicians are dependent on a small percentage of the pollution to fundraise their campaigns, while ordinary voters have less and less influence; and,

WHEREAS, the Pennsylvania Senate campaign of 2016 “will all add (up) to the most expensive Senate race in America” (Philadelphia Inquirer, August 15, 2016), with the vast majority of money coming to the campaigns from sources outside the campaigns and outside the state; and,

WHEREAS, federal agencies such as the Federal Election Commission routinely fail to enforce the anti-corruption rules that already exist; and,

WHEREAS, the Luzerne County Council finds that in order to assure impartial decision making on behalf of the common good and the people, County Council Members and County officials and employees must refrain from using their official positions to influence government decisions in which they have a material financial interest or other form of conflict of interest; and,

WHEREAS, Luzerne County joins with other communities in the United States in seeking limits on and full transparency of political money as necessary for the growth of an educated, engaged and informed electorate.

NOW, THEREFORE, BE IT RESOLVED that it is the position of Luzerne County, State of Pennsylvania, that tough new anticorruption laws must be passed by Congress, including legislation to prohibit politicians from taking campaign money from interests they regulate and lobbyists; put limits on unregulated Super PACs and other groups; increase transparency for campaign funding; stop elected representatives and senior staff from negotiating jobs while in office and bar them from all lobbying activity for five years once they leave office; and strengthen federal agencies and House and Senate ethics committees to enforce the rule against politicians and special interests that break campaign finance law.

BE IT FURTHER RESOLVED that the Luzerne County Council respectfully urges the Pennsylvania Congressional Delegation to support and introduce anti-corruption legislation to the House and Senate addressing the issues herein described.

This Resolution shall become effective 6 days after adoption.

ADOPTED at a meeting of Luzerne County Council held on February 28, 2017.

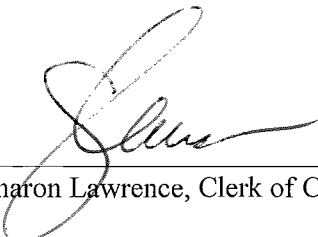
ROLL CALL VOTE (10-1)

YES: Brominski, Dobash, Haas, Kelleher, McGinley, Schnee, Sorokas, SA Urban, Williams, and Houck
NO: Waitkus

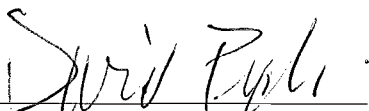
LUZERNE COUNTY COUNCIL

By: 
Linda McClosky Houck, Chair

Attest:


Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: 
C. David Pedri, Esq., County Manager