

# City Council Report

Item: 12  
Category: New Business  
Date: August 7, 2012

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**TITLE: CORPORATE PERSONHOOD**

## **RECOMMENDATION:**

Staff recommends that the City Council determine whether or not to take a position on the issue of corporate personhood; and if it chooses to do so, adopt an appropriate resolution expressing that position.

## **BACKGROUND:**

At the City Council Meeting of May 15, 2012, the City Council considered adopting a resolution calling for a constitutional amendment in the wake of the United States Supreme Court decision in *Citizens United v. Federal Elections Commission* (2010) 130 S. Ct. 876. The central issues presented to the Council for consideration were: (1) the extent to which the rights afforded under the United States Constitution should apply to corporations; and (2) whether expenditures of funds to influence an election should be considered a form protected of speech. The City Council requested the City Attorney to provide the Council with a memorandum addressing the legal issues inherent in the Council's considerations.

## **DISCUSSION:**

At this time, the City Attorney has presented a memorandum to the Council outlining the various legal issues associated with the corporate personhood issue and the Supreme Court's decision in *Citizens United*. In addition, the following items are attached for the Council's consideration:

- A. The Staff Report from the meeting of May 15, 2012, including the following attachments:
  1. City of Mountain View Council Report (March 20, 2012);
  2. Proposed Resolution in support of effort to amend the U.S. Constitution banning corporate personhood;
  3. Move to Amend's text of proposed Constitutional amendment;
  4. List of Move to Amend supporters;
- B. Resolution proposed by Council Member Baker; and
- C. Resolution adopted by United States Conference of Mayors.


**FISCAL IMPACT:**

There are no direct fiscal impacts associated with the proposed recommendation.


**ALTERNATIVES:**

1. Take no position on corporate personhood at this time.
2. Provide other direction to staff.

Prepared and  
Reviewed by:

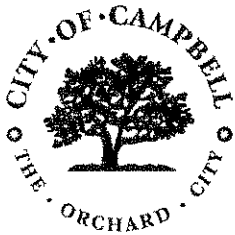
  
\_\_\_\_\_  
William Seligmann, City Attorney

Approved by:

  
\_\_\_\_\_  
Amy L. Brown, City Manager

**Attachments:**

- 1 – Staff Report – May 15, 2012
- 2 – Resolution Proposed by Council Member Baker
- 3 – Resolution Adopted by United States Conference of Mayors



City  
Council  
Report

Item: 20.  
Category: New Business  
Date: May 15, 2012

**TITLE:** CORPORATE PERSONHOOD

**RECOMMENDATION:**

Staff recommends that the City Council determine whether to take a position on the issue of corporate personhood.

**BACKGROUND:**

The following background information on corporate personhood is derived directly from *Wikipedia*:

Corporate personhood is the legal concept that a corporation may sue and be sued in court in the same way as natural persons or unincorporated associations of persons. This doctrine in turn forms the basis for legal recognition that corporations, as groups of people, may hold and exercise certain rights under the common law and the U.S. Constitution. The doctrine does not hold that corporations are "people" in the literal sense, nor does it grant to corporations all of the rights of citizens.

Since at least *Dartmouth College v. Woodward* (1819), the U.S. Supreme Court has recognized corporations as having the same rights as natural persons to contract and to enforce contracts. In *Santa Clara County v. Southern Pacific Railroad*, 118 U.S. 394 (1886), the Supreme Court recognized corporations as persons for the purposes of the Fourteenth Amendment. In a headnote—not part of the opinion—the reporter noted that the Chief Justice began oral argument by stating, "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of the opinion that it does."

**Corporations as Persons**

As a matter of interpretation of the word "person" in the Fourteenth Amendment, U.S. courts have extended certain constitutional protections to corporations. Opponents of corporate personhood seek to amend the U.S. Constitution to limit these rights to those provided by state law and state constitutions.

The basis for allowing corporations to assert protection under the U.S. Constitution is that they are organizations of people, and that people should not be deprived of their constitutional rights when they act collectively. In this view, treating corporations as "persons" is a convenient legal fiction that allows corporations to sue and to be sued, provides a single entity for easier taxation and regulation, simplifies complex transactions that would otherwise involve, in the case of large corporations, thousands

of people, and that protects the individual rights of the shareholders as well as the right of association.

Generally, corporations are not able to claim constitutional protections that would not otherwise be available to persons acting as a group. For example, the Supreme Court has not recognized a Fifth Amendment right against self-incrimination for a corporation, since that right can be exercised only on an individual basis. In *United States v. Sourapas and Crest Beverage Company*, "[a]ppellants [suggested] that the use of the word "taxpayer" several times in the regulations requires that the fifth-amendment self-incrimination warning be given to a corporation." The Court did not agree.

Since the Supreme Court's ruling in *Citizens United v. Federal Election Commission* in 2010, upholding the rights of corporations to make political expenditures under the First Amendment, there have been several calls for a US Constitutional amendment to abolish Corporate Personhood.

#### **Corporate Political Spending**

A central point of debate in recent years is what role corporate money plays and should play in democratic politics. This is part of the larger debate on campaign finance reform and the role that money may play in politics.

The corporate personhood aspect of the campaign finance debate turns on *Buckley v. Valeo* (1976) and *Citizens United v. Federal Election Commission* (2010): *Buckley* ruled that political spending is protected by the First Amendment right to free speech, while *Citizens United* ruled that corporate political spending is protected, holding that corporations have a First Amendment right to free speech.

#### **DISCUSSION:**

At a recent City Council meeting, the City Council passed a motion to agendaize for its review and discussion the issue of corporate personhood.

Staff seeks direction from the Council on whether or not it desires to take an official position at this time. Attached to this Report is a resolution in *support* of a U.S. Constitutional amendment abolishing corporate personhood, should the Council decide to take this position at this time. It should be noted that the attached resolution was provided by the City of Mountain View and was customized by Campbell staff. Staff was advised that the City Council of Mountain View did adopt a very similar Resolution which is included in the attached Mountain View Council Report which also indicates that the City of Los Altos Hills adopted such a Resolution.

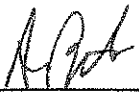
#### **FISCAL IMPACT:**

There are no fiscal impacts associated with staff's recommendation herein.


**ALTERNATIVES:**

1. Take no official position on corporate personhood at this time.
2. Provide other direction to staff.

Prepared by:

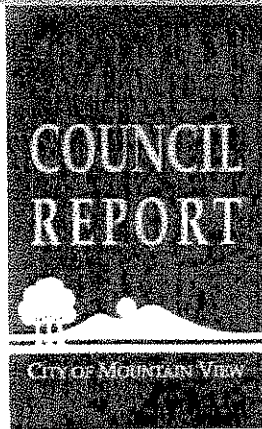
  
\_\_\_\_\_  
Al Bito, Assistant to the City Manager

Approved by:

  
\_\_\_\_\_  
Amy L. Brown, City Manager

**Attachments:**

1. City of Mountain View Council Report (March 20, 2012)
2. Proposed resolution in support of effort to amend the U.S. Constitution banning corporate personhood
3. Move To Amend's text of proposed Constitutional amendment
4. List of Move To Amend supporters



AGENDA: March 20, 2012

8.1

CATEGORY: Items Initiated by Council

DEPT.: City Council

TITLE: Resolution in Support of  
U.S. Constitutional Amendment

### RECOMMENDATION

Adopt A RESOLUTION IN SUPPORT OF A U.S. CONSTITUTIONAL AMENDMENT TO ABOLISH CORPORATE PERSONHOOD (Attachment 1 to the staff report), to be read in title only, further reading waived.

FISCAL IMPACT—None.

### BACKGROUND AND ANALYSIS

With its 2010 *Citizens United v. The Federal Elections Commission* decision, the United States Supreme Court rolled back the legal limits on corporate spending in the electoral process, effectively granting First Amendment rights to corporations. Corporate spending in elections is now equated with free speech, allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and to sway votes. Furthermore, the decision has created an unequal playing field that forces elected officials to divert attention from The Peoples' business, or even to vote against the interest of their human constituents, in order to curry corporate favors and ensure competitive campaign funds for their own reelection.

The negative impact of the Court's decision has most recently manifested itself during the 2012 GOP Presidential Primaries with the creation of SuperPACs which have raised and spent untold millions of dollars. The undue influence of SuperPAC moneys is certain to grow during the 2012 general election and beyond unless strict spending limits and transparency requirements are imposed.

The serious consequences of the Supreme Court's decision have been revealed by the farcical and entirely legal million-dollar-plus SuperPAC created by comedian Stephen Colbert. It is clear that our Supreme Court got it wrong this time.

In response to the *Citizens United* ruling and its practical aftermath, a grassroots movement, Move to Amend, is growing across the country. This nonpartisan collection of eclectic groups and individuals is urging an amendment to the United States Constitution that will wrest control of our elections and elected officials from corporate influence. The power to direct the future of our Democracy must be returned to American voters.

AGENDA: March 20, 2012

PAGE: 2

Attachment 1 to the staff report is a proposed resolution by the City of Mountain View in support of the effort to amend the United States Constitution to abolish corporate personhood. To date, hundreds of communities across the United States have adopted such resolutions, from Boulder, Los Angeles, Albany, New York City, Los Altos Hills and beyond.

Attachment 2 is the text of the amendment proposed.

Attachment 3 is a current list of Move to Amend supporters.

### CONCLUSION

As a result of the Supreme Court's decision in *Citizens United*, the campaign finance system in the United States has been thrown into disarray. The formation of numerous SuperPACs may well subvert the very nature of our democratic system.

A movement has arisen that calls for an Amendment to the United States Constitution abolishing corporate personhood. The movement is growing daily and has been supported by Cities, States and organizations across the country. It is recommended that the City Council adopt the attached resolution in support of such an Amendment.

PUBLIC NOTICING—Agenda posting.

Prepared by:



R. Michael Kasperzak, Jr.  
Mayor

RMKJ/KT/5/CAM  
609-03-20-12M-E^

- Attachments:
1. Resolution
  2. Text of the Proposed Amendment
  3. List of Move to Amend Supporters

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2012

A RESOLUTION IN SUPPORT OF A U.S. CONSTITUTIONAL AMENDMENT TO  
ABOLISH CORPORATE PERSONHOOD

WHEREAS, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and, thereby, secure rights to life, liberty, property and the pursuit of happiness is guaranteed in the U.S. Constitution and the Declaration of Independence; and

WHEREAS, free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food; and

WHEREAS, corporations are entirely human-made legal fictions created by express permission of We The People and our government; and

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival and exist solely through the legal charter imposed by the government of We The People; and

WHEREAS, in addition to these advantages, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights; and

WHEREAS, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States; and

WHEREAS, interpretation of the U.S. Constitution by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People; and

WHEREAS, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities; and



WHEREAS, corporations are not and have never been human beings and, therefore, are rightfully subservient to human beings and governments as our legal creations; and

WHEREAS, large corporations' profits and survival are often in direct conflict with the essential needs and rights of human beings; and

WHEREAS, the recent *Citizens United v. the Federal Election Commission* Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own reelection; and

WHEREAS, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning; and

WHEREAS, tens of thousands of people and municipalities across the nation are joining with the Move to Amend campaign to call for an Amendment to the U.S. Constitution to Abolish Corporate Personhood;

NOW, THEREFORE, BE IT RESOLVED that the City of Mountain View, California hereby calls on our Country, State and National elected officials to join the tens of thousands of citizens, grassroots organizations and local governments across the country in the Move to Amend campaign to call for an Amendment to the Constitution to Abolish Corporate Personhood and return our democracy, our elections and our communities back to America's human persons, and to thus reclaim our sovereign right to self-governance.

BE IT FURTHER RESOLVED that the City of Mountain View, California calls on other communities and jurisdictions to join with us in this action by passing similar resolutions.

BE IT FURTHER RESOLVED that the City of Mountain View, California supports education to increase public awareness of the threats to our democracy posed by corporate personhood, and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats.

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RMKJ/KT/5/RESO/609-03-20-12R-E^

**Amendment  
Move to Amend 28th Amendment**

**Section 1** *[A corporation is not a person and can be regulated]*

The rights protected by the Constitution of the United States are the rights of natural persons only.

Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any state, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State or local law.

The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

**Section 2** *[Money is not speech and can be regulated]*

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

**Section 3**

Nothing contained in this amendment shall be construed to abridge the freedom of the press.

RMKJ/KT/5/MGR  
609-03-05-12A-E^



- [01/04/2012 - NY City Council Calls for End to Corporate Personhood \(news/ny-city-council-calls-end-corporate-personhood\)](#)
- [01/03/2012 - Pueblo, CO Commissioners Call for Constitutional Amendment in Support of Move to Amend \(news/pueblo-co-commissioners-call-constitutional-amendment-support-move-amend\)](#)
- [01/02/2012 - Duluth City Council Takes Stand Against Corporate 'Personhood' \(news/duluth-city-council-takes-stand-against-corporate-personhood\)](#)
- [12/06/2011 - Move to Amend LA Press Conference Following Historic Vote \(Video\) \(news/move-amend-la-press-conference-following-historic-vote-video\)](#)
- [12/03/2011 - Vermont's Push to End Corporate Personhood \(news/vermont-push-end-corporate-personhood\)](#)
- [12/01/2011 - LOS ANGELES, CA: City Council to Vote on Resolution to End Corporate Personhood \(news/los-angeles-ca-city-council-vote-resolution-end-corporate-personhood\)](#)
- Tuesday, December 6, 2011 - 9:30am - 12:00pm
- [11/19/2011 - LOS ANGELES, CA: City Council Vote on Resolution to End Corporate Personhood \(events/los-angeles-ca-city-council-vote-resolution-end-corporate-personhood\)](#)
- Sunday, November 20, 2011 - 2:00pm - 4:30pm
- [11/18/2011 - LOS ANGELES: Move To Amend Mobilization Meeting for December 6 City Council Vote \(events/los-angeles-move-amend-mobilization-meeting-december-6-city-council-vote\)](#)
- [11/02/2011 - Boulder Votes for a Constitutional Amendment to Abolish Corporate Personhood \(news/boulder-votes-constitutional-amendment-abolish-corporate-personhood\)](#)
- [10/28/2011 - Move To Amend Los Angeles needs your help! \(news/move-amend-los-angeles-needs-your-help\)](#)
- Wednesday, November 2, 2011 - 2:00pm - 3:00pm
- [10/27/2011 - LOS ANGELES, CA: City Hall Hearing on Revoking Corporate Constitutional Rights \(events/los-angeles-ca-city-hall-hearing-revoking-corporate-constitutional-rights\)](#)
- [09/29/2011 - BRINTON & SCHULTZ: Big Sky Populists Fight Back Against Big Corporate Money \(radio/cut-ons-talks/brinton-schultz-big-sky-populists-fight-back-against-big-corporate-money\)](#)
- [09/25/2011 - TRUTHOUT: Local Resistance to Corporate Personhood Wages Crucial Battle \(radio/cut-ons-talks/truthout-local-resistance-corporate-personhood-wages-crucial-battle\)](#)
- [09/23/2011 - ROTHSCHILD: Citizens Rise Up Against "Citizens United" \(radio/cut-ons-talks/rothschild-citizens-rise-against-citizens-united\)](#)
- [09/20/2011 - TENNESSEE: By the People, For the People: Rally Against Corporations' Growing Power Set for Saturday \(news/tennessee-people-people-rally-against-corporations-growing-power-set-saturday\)](#)
- Wednesday, September 21, 2011 - 6:30pm - 8:00pm
- [09/19/2011 - TUCSON, AZ: Tucson United / Move to Amend Organizing Meeting \(events/tucson-az-tucson-united-move-amend-organizing-meeting\)](#)
- Monday, September 26, 2011 - 5:30pm - 7:30pm
- [09/19/2011 - BOULDER, CO: Yes or 2H Kick-Off Party \(events/boulder-co-yes-2h-kick-party\)](#)
- Saturday, September 10, 2011 - 10:00am - Monday, November 7, 2011 - 10:00am
- [09/14/2011 - WEST ALLIS, WI: Petition Drive to Get on the Ballot! \(events/west-allis-wi-petition-drive-get-ballot\)](#)
- [09/14/2011 - Jamestown, CO Trustees Approve Resolution Against 'Corporate Personhood' \(news/jamestown-co-trustees-approve-resolution-against-corporate-personhood\)](#)
- [08/20/2011 - Missoula City Council to Consider Placing Corporate Personhood Resolution on Ballot \(news/missoula-city-council-consider-placing-corporate-personhood-resolution-ballot\)](#)
- [08/17/2011 - Boulder City Council Votes to Put Move to Amend Resolution on November Ballot \(news/boulder-city-council-votes-put-move-amend-resolution-november-ballot\)](#)

Tuesday, August 23, 2011 - 6:30pm - 8:30pm

[08/15/2011 - LAKEWOOD, OH: The Story of Citizens United vs. FEC: Educational and Organizing Meeting \(events/lakewood-oh-story-citizens-united-vs-fec-educational-and-organizing-meeting\)](#)

[08/14/2011 - Boulder Should Vote on Corporate Personhood \(publications/talks/boulder-should-vote-corporate-personhood\)](#)

[08/11/2011 - Hartmann: Long Live the Oligarchy! & How to Fight Back With Move to Amend \(news/hartmann-long-live-oligarchy-how-fight-back-move-amend\)](#)

Sunday, August 21, 2011 - 3:00pm - 5:00pm

[08/09/2011 - SALEM, OR: Open House for Marion Poik Move To Amend \(events/salem-or-open-house-for-marion-poik-move-amend\)](#)

Monday, August 8, 2011 - 6:30pm - 8:30pm

[08/08/2011 - FEDERAL WAY, WA: Statewide Coalition Forming re: State Resolution \(events/federal-way-wa-statewide-coalition-forming-re-state-resolution\)](#)

[07/28/2011 - Model Language for Ballot Initiative Resolutions \(organizing-resources/model-language-ballot-initiative-resolutions\)](#)

[07/15/2011 - BOULDER WEEKLY: Say No to Corporate Personhood \(news/boulder-weekly-say-no-corporate-personhood\)](#)

Tuesday, May 10, 2011 - 4:00pm - 5:15pm

[04/25/2011 - Local Action Webinar \(4pm PT /5pm MT/ 6pm CT/ 7pm ET\) REGISTRATION REQUIRED! \(events/local-action-webinar-4pm-pt-5pm-ct-6pm-ct-7pm-et-registration-required-0\)](#)

[04/06/2011 - Madison and Dane County WI Voters Support Constitutional Amendment \(news/madison-and-dane-county-wi-voters-support-constitutional-amendment\)](#)

[04/04/2011 - Local Action and Affiliation FAQs \(organizing-resources/affiliate-faqs\)](#)

[03/29/2011 - Ft. Bragg, CA Passes Resolution in Support of Constitutional Amendment! \(news/ft-bragg-ca-passes-resolution-support-constitutional-amendment\)](#)

[03/16/2011 - MINNESOTA: Bill Introduced to Amend State Constitution to Define 'Natural Persons' as Human Beings \(news/minnesota-bill-introduced-amend-state-constitution-define-%E2%80%9Enatural-persons-%E2%80%99human-beings\)](#)

[03/03/2011 - RICHMOND, CA: City Council Votes to Adopt Resolution Calling for Constitutional Amendment to End Corporate Personhood \(news/richmond-ca-city-council-votes-adopt-resolution-calling-constitutional-amendment-end-corporate-personhood\)](#)

[02/18/2011 - WA STATE: Introduces Resolution Calling for a Constitutional Amendment Against Corporate Personhood \(news/wa-state-introduces-resolution-call-for-constitutional-amendment-against-corporate-personhood\)](#)

[02/11/2011 - ORGANIZE: Democratic Revolutions Build Momentum with Local Resolutions \(action/organize-democratic-revolution-build-momentum-local-resolutions\)](#)

[01/22/2011 - VERMONT: Resolution Calling to Amend the Constitution Banning Corporate Personhood Introduced in State Legislature \(news/vermont-resolution-calling-amend-constitution-banning-corporate-personhood-introduced-state-leg\)](#)

[09/01/2010 - Organize Your Town to Pass a Resolution to Legalize Democracy and Abolish Corporate Personhood \(organizing-resources/organize-your-town-pass-resolution-legalize-democracy-and-abolish-corporate-personhood\)](#)



KT/5/MGR  
609-03-05-12R-E-1^

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CAMPBELL CITY COUNCIL IN SUPPORT OF A  
U.S. CONSTITUTIONAL AMENDMENT TO ABOLISH CORPORATE  
PERSONHOOD**

**WHEREAS**, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and, thereby, secure rights to life, liberty, property and the pursuit of happiness is guaranteed in the U.S. Constitution and the Declaration of Independence; and

**WHEREAS**, free and fair elections are essential to democracy and effective self-governance; and

**WHEREAS**, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food; and

**WHEREAS**, corporations are entirely human-made legal fictions created by express permission of We The People and our government; and

**WHEREAS**, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival and exist solely through the legal charter imposed by the government of We The People; and

**WHEREAS**, in addition to these advantages, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights; and

**WHEREAS**, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States; and

**WHEREAS**, interpretation of the U.S. Constitution by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People; and

**WHEREAS**, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities; and

**WHEREAS**, corporations are not, and have never been human beings and, therefore, are rightfully subservient to human beings and governments as our legal creations; and

**WHEREAS**, large corporations' profits and survival are often in direct conflict with the essential needs and rights of human beings; and

**WHEREAS**, the recent *Citizens United v. the Federal Election Commission* Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces

elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own reelection; and

**WHEREAS**, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning; and

**WHEREAS**, tens of thousands of people and municipalities across the nation are joining with the Move To Amend campaign to call for an amendment to the U.S. Constitution to abolish corporate personhood;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Campbell, California hereby calls on our country, state and national elected officials to join the tens of thousands of citizens, grassroots organizations and local governments across the country in the Move To Amend campaign to call for an amendment to the Constitution to abolish corporate personhood and return our democracy, our elections and our communities back to America's human persons, and to thus reclaim our sovereign right to self-governance.

**BE IT FURTHER RESOLVED** that the City of Campbell calls on other communities and jurisdictions to join with us in this action by passing similar resolutions.

**BE IT FURTHER RESOLVED** that the City of Campbell supports education to increase public awareness of the threats to our democracy posed by corporate personhood and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats.

**PASSED AND ADOPTED** this 15th day of May 2012, by the following roll call vote:

**AYES:** Councilmembers:

**NOES:** Councilmembers:

**ABSENT:** Councilmembers:

**APPROVED:**

\_\_\_\_\_  
Michael F. Kotowski, Mayor

**ATTEST:**

\_\_\_\_\_  
Anne Bybee, City Clerk

## **Amendment Move to Amend 28th Amendment**

### **Section 1** *[A corporation is not a person and can be regulated]*

The rights protected by the Constitution of the United States are the rights of natural persons only.

Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any state, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State or local law.

The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

### **Section 2** *[Money is not speech and can be regulated]*

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

### **Section 3**

Nothing contained in this amendment shall be construed to abridge the freedom of the press.



END CORPORATE RULE. LEGALIZE DEMOCRACY.

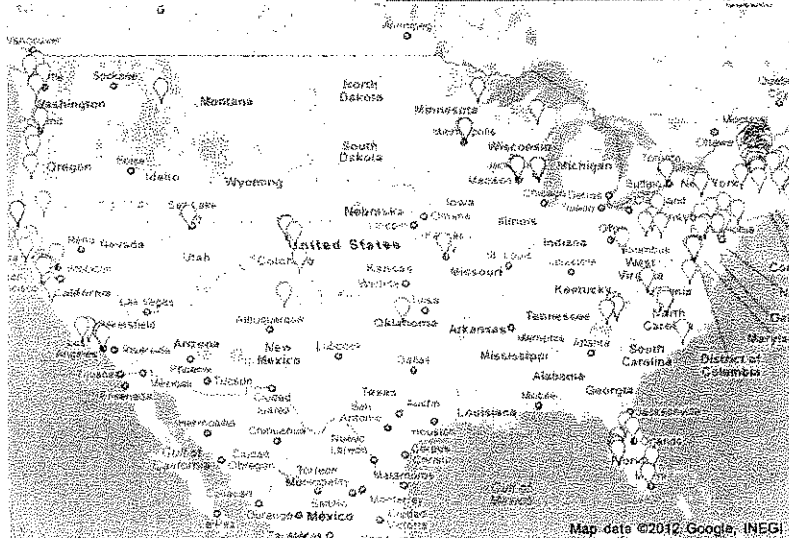
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## Find Move to Amend Near You

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### Resolutions & Ordinances

[Submit Resolutions & Ordinances from your area \(http://movetoamend.org/node/add/resolution\)](http://movetoamend.org/node/add/resolution)



#### Resolutions & Ordinances Against Corporate Personhood

#### In Progress

- \* [Alexandria, VA City Council | Municipal Government Resolution](#)
- \* [Arlington, VA City Council | Municipal Government Resolution](#)
- \* [Beverly, MA | Citizens Initiative](#)
- \* [City of Salt Lake | Citizens Initiative](#)
- \* [Clallam County, WA Board of Supervisors | Municipal Government Resolution](#)
- \* [Fairfax County, VA County Commissioners | Municipal Government Resolution](#)
- \* [Falls Church, VA City Council | Municipal Government Resolution](#)
- \* [Kansas City, MO | Municipal Government Resolution](#)

- \* [Lake County, CA | Citizens Initiative](#)
- \* [Madison County, NC | Municipal Government Resolution](#)
- \* [Mendocino County, CA | Citizens Initiative](#)
- \* [Minnesota State Legislature | State](#)
- \* [Orange County, NC Board of Commissioners | Municipal Government Resolution](#)
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**Passed**

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economic justice, ending corporate rule, and building a vibrant democracy that is genuinely accountable to the people, not corporate interests. We call for an amendment to the US Constitution to unequivocally state that inalienable rights belong to human beings only, and that money is not a form of protected free speech under the First Amendment and can be regulated in political campaigns.

**Move to Amend Field Organizing Headquarters**  
PO Box 610 Eureka, CA 95502  
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A RESOLUTION REAFFIRMING THAT CORPORATIONS DO NOT HAVE THE SAME RIGHTS AS NATURAL PERSONS

WHEREAS, free and fair elections are essential to democracy and effective self-governance; and

WHEREAS the U.S Bill of Rights provides certain inalienable rights to natural persons; and

WHEREAS corporations are legal entities that governments create and the rights they enjoy under the U.S. Constitution should be more narrowly defined than the rights afforded to natural persons; and

WHEREAS, the decision to regulate corporate financial campaign contributions is one that historically Congress and the states have been constitutionally allowed to address; and

WHEREAS, in 1907, Congress enacted the Tillman Act prohibiting corporate financial contributions to federal election campaigns for public office; and

WHEREAS, in 2010, the U.S. Supreme Court in *Citizens United v. Federal Election Commission*, 130 S.Ct. 876 (U.S. 2010), relying on the holding of *Buckley v Vallejo* that money is speech, ruled that Congress and the states lacked the constitutional right to ban independent corporate expenditures to political campaigns for public office; and

WHEREAS, the *Citizens* decision has led to the creation of super political action committees in elections campaigns for public office that allow for unregulated campaign expenditures in unprecedented amounts; and

WHEREAS, the unique ability of corporations to spend extremely large amounts of money to influence elections, candidate selection and policy decisions creates an unequal playing field, can distort elections, and effectively limits and drowns out the free speech of individual citizens and groups of citizens

WHEREAS, as a result of the *Citizens* decision, legislatures were denied any authority to regulate independent corporate expenditures; and

WHEREAS, a restoration of the ability of Congress and the states to make their own decisions about whether to regulate political expenditures in a fair and content-neutral manner is essential; and

WHEREAS this policy change will require that the U.S. Constitution be amended to authorize congressional or state regulation of individual and corporate financial participation in political campaigns;

**NOW THEREFORE BE IT RESOLVED:** That the City of Campbell, California hereby expresses its disagreement with the holdings of the U.S. Supreme Court in *Citizens United* and *Buckley v Vallejo* that money is speech that cannot be regulated or limited by government; and

**BE IT FURTHER RESOLVED:** that the City of Campbell, California hereby calls on our National and State and local elected officials to call for an Amendment to the U.S. Constitution to abrogate the

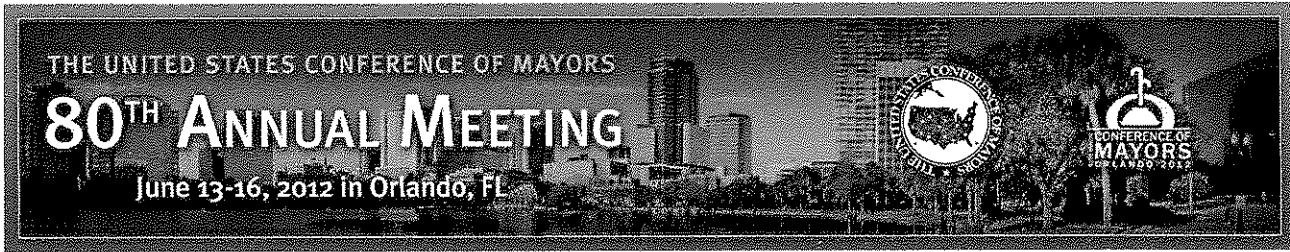
*Citizens United* decision and to restore the ability of Congress and the States to impose fair, reasonable and content-neutral restrictions on campaign contributions and spending in order to ensure free and fair elections; and

BE IT FURTHER RESOLVED: that the City of Campbell also calls on our National and State leaders to include in that Constitutional Amendment that Federal, State and Local governments shall require that any permissible contributions in support of any candidate or measure, whether coordinated with the candidate or campaign committee or not, be clearly, promptly and publically disclosed;

BE IT FURTHER RESOLVED: that the City of Campbell does not support an amendment to the constitution that would abridge the freedom of the press; and

BE IT FURTHER RESOLVED: That the City of Campbell calls on other communities and jurisdictions to join with us in this action by passing similar resolutions.





**ESTABLISH AS A POSITION OF THE UNITED STATES CONFERENCE OF MAYORS THAT CORPORATIONS SHOULD NOT RECEIVE THE SAME LEGAL RIGHTS AS NATURAL PERSONS DO, THAT MONEY IS NOT SPEECH AND THAT INDEPENDENT EXPENDITURES SHOULD BE REGULATED**

**WHEREAS**, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings also known as "natural persons"; and

**WHEREAS**, corporations can and do make important contributions to our society, but the United States Conference of Mayors does not consider them natural persons; and

**WHEREAS**, the right to free speech is a fundamental freedom and unalienable right and free and fair elections are essential to democracy and effective self-governance; and

**WHEREAS**, United States Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

**WHEREAS**, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified limits on contribution to candidates, but rejected other fundamental interests that the United States Conference of Mayors finds compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

**WHEREAS**, the United States Supreme Court in *Buckley* overturned limits on independent expenditures because it found that the corruption or perception of corruption rationale was only applicable to direct contributions to candidates; and,

**WHEREAS**, United States Supreme Court Justice John Paul Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech,"; and

**WHEREAS**, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporations political ideas" and upheld limits on independent expenditures by corporations; and

**WHEREAS**, the United States Supreme Court in *Citizens United v. The Federal Election Commission* (2010) reversed the decision in *Austin*, allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

**WHEREAS**, prior to *Citizens United* decision unlimited independent campaign expenditures could be made by individuals and associations, though such committees operated under federal contribution limits; and,

**WHEREAS**, given that the *Citizens United* decision "rejected the argument that political speech of corporations or other associations should be treated differently" because the First Amendment "generally prohibits the suppression of political speech based on the speaker's identity," there is a need to broaden the corruption rationale for campaign finance reform to facilitate regulation of independent expenditures regardless of the source of the money for this spending, for or against a candidate; and

**WHEREAS**, a February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling; and,

**WHEREAS**, the opinion of the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets; and

**WHEREAS**, corporations are legally required to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as natural persons balance their narrow self-interest and broader public interest when making political decisions; and

**WHEREAS**, addressing both the *Citizens United* decision, and corporate personhood is necessary; and

**WHEREAS**, the City Councils of Missoula, Montana; Boulder, Colorado; and Madison, Wisconsin have referred the issue of corporate personhood to their communities for advisory vote.

**NOW, THEREFORE, BE IT RESOLVED** that it is the position of the United States Conference of Mayors that corporations should not receive the same legal rights as individual human beings (also known as "natural persons") do; and

**BE IT FURTHER RESOLVED** that the United States Conference of Mayors also determines that the most urgent action needed is to reverse the impacts of United States Supreme Court *Citizens United* (2010) decision and the door it opens for unlimited independent campaign expenditures by corporations that contributes to the undermining impacts that "corporate personhood" has on free and fair elections and effective self-governance; and

**BE IT FURTHER RESOLVED** that the United States Conference of Mayors calls on other communities and jurisdictions and organizations like National League of Cities to join with us in this action by passing similar Resolutions.

RESOLUTION ADOPTED JUNE 2012