

Passed 9-0

RESOLUTION 12-09

SUPPORTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO
PROVIDE THAT CORPORATIONS ARE NOT "PEOPLE" AND
MONEY IS NOT "SPEECH"

- WHEREAS,** a representative government of, by, and for the people is at the core of our inalienable right to self-govern – the essence of “We The People;” and
- WHEREAS,** the right to free speech is a fundamental freedom and inalienable right; and
- WHEREAS,** self-governance and free speech are essential components of responsive and responsible policy making; and
- WHEREAS,** Bloomington’s policies reflect a vibrant and engaged community *because* citizens govern through their elected representatives; and
- WHEREAS,** free and fair elections are essential to democracy and effective self-governance; and
- WHEREAS,** the City of Bloomington expressed its commitment to democratic, transparent and fair elections with Resolution 04-26; and
- 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” whose essential needs include clean air, clean water, healthcare, shelter, safe and secure food; and
- WHEREAS,** corporations are not mentioned in the U.S. Constitution and are human-created legal fictions manufactured by express permission of The People and our government; and
- WHEREAS,** corporations have special advantages not enjoyed by natural persons: they can exist in perpetuity, can exist simultaneously in many nations at once, may be managed and controlled by non-residents, need only profit for survival, and exist solely through the legal charter imposed by the government of The People; and
- WHEREAS,** in 2010, the United States Supreme Court issued a 5-4 opinion in *Citizens United v. Federal Election Commission* holding that ‘independent expenditures’ for political advertising by corporations could not be limited by government regulations and that corporations are afforded the same free speech protections as natural persons; and
- WHEREAS,** two propositions underlie the Court’s decision: (1) that corporations have the same constitutional rights as natural persons and (2) that when corporations spend money on political advertisements, they are engaging in protected “speech;” and
- WHEREAS,** while political advertising does not guarantee victory, it does shape and influence voters’ perspectives and opinions; and
- WHEREAS,** *Citizens United* creates an unequal playing field and allows unlimited spending by corporations and super political action committees to influence elections, candidate selection, lawmaking and public policy decisions; and
- WHEREAS,** in his dissent, Justice John Paul Stevens recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established;” and

- WHEREAS,** *Citizens United* marked a significant doctrinal shift in first amendment law; this shift has been characterized by Justice Stevens as “judge-made doctrine” and a misinterpretation of constitutional text; and
- WHEREAS,** *Citizens United* overturned longstanding precedent upholding laws prohibiting corporations from spending their general treasury funds on political advertising; and
- WHEREAS,** in *Austin v. Michigan Chamber of Commerce* (1990), the Court pointed out the threat to a representative 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 corporation’s political ideas” and upheld limits on independent expenditures by corporations; and
- WHEREAS,** in a 1938 opinion, US Supreme Court Justice Hugo Black stated, “I do not believe the word ‘person’ in the Fourteenth Amendment includes corporations;” and
- WHEREAS,** in *Nixon v. Shrink Missouri Government PAC* (2000), United States Supreme Court Justice John Paul Stevens observed that “money is property, it is not speech;” and
- WHEREAS,** *Citizens United* severely hampers the ability of federal and State governments to enact reasonable regulations regarding corporate political advertising; and
- WHEREAS,** because *Citizens United* impairs free and fair elections and effective self-governance, it impairs the ability of Bloomington citizens to govern through their elected representatives; and
- WHEREAS,** the U.S. Supreme Court should overturn its decision in *Citizens United* and the U.S. Constitution should be amended to make clear that corporations do not enjoy the same rights as natural persons; 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 and the doctrine of money as speech;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The City of Bloomington Common Council stands with the *Move to Amend – South Central Indiana* campaign and communities across the country to defend democracy from the corrupting effects of undue corporate power by amending the United States Constitution to establish that:

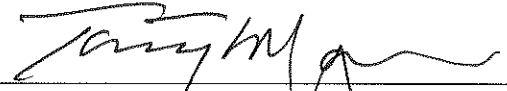
1. Corporations are not “people,” and only natural persons are endowed with Constitutional rights;
2. Money is not “speech,” and therefore regulating political contributions and spending is not equivalent to limiting political speech;
3. In order to ensure a fair and well-functioning electoral process, Congress and the States shall have the authority reasonably to regulate political expenditures and contributions; and
4. Such an amendment should not be construed to abridge the freedom of the press.

SECTION II. We call on our State and federal representatives to enact resolutions and legislation to advance this effort.

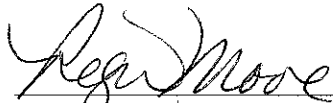
SECTION III. The Bloomington Common Council calls on other communities and jurisdictions to join with us in this action by passing resolutions similar to this one.

SECTION IV. The City Clerk shall send a copy of this resolution, duly adopted, to the Indiana Congressional delegation and the President of the United States.


PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20th day of JUNE, 2012.


TIMOTHY MAYER, President
Bloomington Common Council

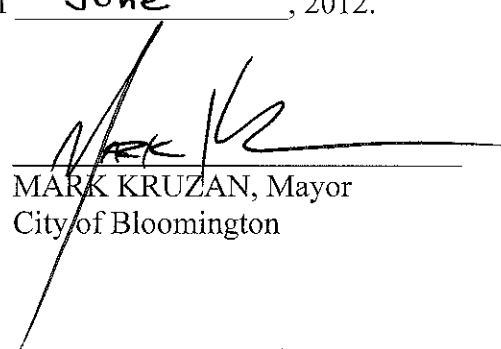
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st day of JUNE, 2012.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of June, 2012.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Mayer, Rollo, Ruff and Sandberg. It opposes the U.S. Supreme Court's interpretation of the Constitution in *Citizens United v. Federal Election Commission* and supports an amendment to the U.S. Constitution making clear that corporations are not "people" and that money is not "speech." The resolution calls upon the State and federal representatives to enact resolutions and legislation to advance the effort of amending the Constitution. The City Clerk is directed to send copies of this resolution to the Indiana Congressional Delegation and the President of the United States.

* Note: This resolution was revised after its issuance in the legislative packet, but before introduction at the Regular Session to include subsection (3) of Section I.

Signed copies to:

legal
controller

Jim/Tami Allison

CA/CA
check

RESOLUTION 12-09

SUPPORTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROVIDE THAT CORPORATIONS ARE NOT “PEOPLE” AND MONEY IS NOT “SPEECH”

- WHEREAS,** a representative government of, by, and for the people is at the core of our inalienable right to self-govern – the essence of “We The People;” and
- WHEREAS,** the right to free speech is a fundamental freedom and inalienable right; and
- WHEREAS,** self-governance and free speech are essential components of responsive and responsible policy making; and
- WHEREAS,** Bloomington’s policies reflect a vibrant and engaged community *because* citizens govern through their elected representatives; and
- WHEREAS,** free and fair elections are essential to democracy and effective self-governance; and
- WHEREAS,** the City of Bloomington expressed its commitment to democratic, transparent and fair elections with Resolution 04-26; and
- 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” whose essential needs include clean air, clean water, healthcare, shelter, safe and secure food; and
- WHEREAS,** corporations are not mentioned in the U.S. Constitution and are human-created legal fictions manufactured by express permission of The People and our government; and
- WHEREAS,** corporations have special advantages not enjoyed by natural persons: they can exist in perpetuity, can exist simultaneously in many nations at once, may be managed and controlled by non-residents, need only profit for survival, and exist solely through the legal charter imposed by the government of The People; and
- WHEREAS,** in 2010, the United States Supreme Court issued a 5-4 opinion in *Citizens United v. Federal Election Commission* holding that ‘independent expenditures’ for political advertising by corporations could not be limited by government regulations and that corporations are afforded the same free speech protections as natural persons; and
- WHEREAS,** two propositions underlie the Court’s decision: (1) that corporations have the same constitutional rights as natural persons and (2) that when corporations spend money on political advertisements, they are engaging in protected “speech;” and
- WHEREAS,** while political advertising does not guarantee victory, it does shape and influence voters’ perspectives and opinions; and
- WHEREAS,** *Citizens United* creates an unequal playing field and allows unlimited spending by corporations and super political action committees to influence elections, candidate selection, lawmaking and public policy decisions; and
- WHEREAS,** in his dissent, Justice John Paul Stevens recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But

they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established;” and

WHEREAS, *Citizens United* marked a significant doctrinal shift in first amendment law; this shift has been characterized by Justice Stevens as “judge-made doctrine” and a misinterpretation of constitutional text; and

WHEREAS, *Citizens United* overturned longstanding precedent upholding laws prohibiting corporations from spending their general treasury funds on political advertising; and

WHEREAS, in *Austin v. Michigan Chamber of Commerce* (1990), the Court pointed out the threat to a representative 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 corporation’s political ideas” and upheld limits on independent expenditures by corporations; and

WHEREAS, in a 1938 opinion, US Supreme Court Justice Hugo Black stated, “I do not believe the word ‘person’ in the Fourteenth Amendment includes corporations;” and

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

WHEREAS, *Citizens United* severely hampers the ability of federal and State governments to enact reasonable regulations regarding corporate political advertising; and

WHEREAS, because *Citizens United* impairs free and fair elections and effective self-governance, it impairs the ability of Bloomington citizens to govern through their elected representatives; and

WHEREAS, the U.S. Supreme Court should overturn its decision in *Citizens United* and the U.S. Constitution should be amended to make clear that corporations do not enjoy the same rights as natural persons; 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 and the doctrine of money as speech;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The City of Bloomington Common Council stands with the *Move to Amend – South Central Indiana* campaign and communities across the country to defend democracy from the corrupting effects of undue corporate power by amending the United States Constitution to establish that:

1. Corporations are not “people,” and only natural persons are endowed with Constitutional rights; and
2. Money is not “speech,” and therefore regulating political contributions and spending is not equivalent to limiting political speech; and
3. Such an amendment should not be construed to abridge the freedom of the press.

SECTION II. We call on our State and federal representatives to enact resolutions and legislation to advance this effort.

SECTION III. The Bloomington Common Council calls on other communities and jurisdictions to join with us in this action by passing resolutions similar to this one.

SECTION IV. The City Clerk shall send a copy of this resolution, duly adopted, to the Indiana Congressional delegation and the President of the United States.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Mayer, Rollo, Ruff and Sandberg. It opposes the U.S. Supreme Court's interpretation of the Constitution in *Citizens United v. Federal Elections Commission* and supports an amendment to the U.S. Constitution making clear that corporations are not "people" and that money is not "speech." The resolution calls upon the State and federal representatives to enact resolutions and legislation to advance the effort of amending the Constitution. The City Clerk is directed to send copies of this resolution to the Indiana Congressional Delegation and the President of the United States.



Memorandum

To: Members of the Common Council
From: Councilmembers Mayer, Rollo, Ruff and Sandberg
Date: 15 June 2012
Re: ***Resolution 12-09: Supporting an Amendment to the U.S. Constitution to Provide that Corporations are not "People" and Money is not "Speech"***

We are offering Resolution 12-09 in the spirit of *Resolutions Week*. *Resolutions Week* is a nationwide event that kicked off on 11 June and is designed to encourage communities throughout the country to pass resolutions supporting a constitutional amendment to overturn the 2010 U.S. Supreme Court ruling in *Citizens United v. Federal Election Commission*.¹ *Citizens United* held that expenditures for political advertising by corporations could not be limited by government regulations and that corporations are afforded the same free speech protections as natural persons.² By a 5-4 margin, the Court overruled two prior Supreme Court holdings and also ruled that part of the Bipartisan Campaign Reform Act of 2002 (the "McCain-Feingold Act") was unconstitutional under the First Amendment. So far, over 200 local governments and five State legislatures have passed resolutions calling for a constitutional amendment to overturn *Citizens United*. Resolutions in support of an amendment have been introduced in 21 other State legislatures.

Consequences of *Citizens United*

As many observers point out, *Citizens United* makes it possible for powerful corporations to spend unlimited amounts to dominate political advertising. While advertising does not necessarily guarantee victory for a particular candidate, it does shape perception and opinion. The allowance of money to shape public understanding distorts political discourse and threatens one of the core principles of representative government wherein the people govern through their elected representatives.

Corporations are fundamentally different from, and other than, natural persons – they can exist in multiple places simultaneously, need profit only for survival, are endowed with special advantages such as limited liability and perpetual life, exist only through legal

¹ 130 S.Ct. 876 (2010). Read full opinion here: <http://www.supremecourt.gov/opinions/09pdf/08-205.pdf>

² Specifically, court found that federal and State government could not regulate "independent expenditures" and "electioneering communications." "Independent expenditures" are communications the expressly advocate the election or defeat of a clearly-identified candidate or party. "Electioneering communications" are broadcast, cable or satellite transmissions that refer to a clearly identified federal candidate and made within 60 days of a general election or 30 days of a primary.

charter and may be managed and controlled by non-residents. Not only does the *Citizens United* decision hand over the “airwaves” to the wealthy and to corporations, but the corporations who enjoy free speech through advertising may even be controlled by interests outside of the U.S.

In President Obama’s State of the Union Address on January 27, 2010, he advised:

With all due deference to separation of powers, last week the Supreme Court reversed a century of law that, I believe, will open the floodgates for special interests, including foreign corporations, to spend without limit in our elections. I don't think American elections should be bankrolled by America's most powerful interests or, worse, by foreign entities. They should be decided by the American people.

First Amendment expert Geof Stone describes the fallout of the *Citizens United* case this way: “Imagine a presidential debate in which the candidates were invited to buy debate time. Instead of the debate time being allocated equally, each candidate would bid for minutes, so the candidate with the most money would buy the most minutes in the debate. What would we think of that? That is effectively what has happened to our political system.”³

The public response to *Citizens United* has been strong. A February 2010 ABC-Washington Post poll conducted in February 2010 showed that 80% of those surveyed opposed the *Citizens United* ruling which the poll described as saying “corporations and unions can spend as much money as they want to help political candidates win elections.”

No doubt, *Citizens United* is bad news. The question is – what to do about it? A number of strategies have been proposed to “fix” *Citizens United* from requiring stronger disclosure requirements for political ads, to calling on the Court itself to overturn *Citizens United* to amending the constitution. Since the Court’s interpretation relies on constitutional (rather than statutory) interpretation, amending the Constitution would be an option for reversing the effects of *Citizens United*. So far, approximately 14 resolutions to amend the U.S. Constitution have been introduced in Congress. The 14 proposed amendments vary considerably. For example, some give Congress broad power to regulate political contributions and expenditures, some give Congress and the States the power to regulate political expenditures and contributions, some amendments would prohibit only rights of expression and some would establish that the words “people,” “person,” or “citizen” as used in the Constitution do not include corporations, limited liability companies or other corporate entities. To become effective, a constitutional amendment requires the support of two-thirds of both the House of Representatives and the Senate and then ratification by three-fourths of the State legislatures.

³ Geoffrey R. Stone, *Fixing Citizens United*, the Huffington Post, posted 6/12/12.

Bringing it Home

Ours is a community that places great value on free speech and self-governance. Part of what makes Bloomington vital, engaged and responsive is that residents govern through their elected representatives. Locally, *Move to Amend – South Central Indiana* has been working since January 2012 to educate our community about the dangers of *Citizens United* and advocates for an amendment to the U.S. Constitution that makes clear that money is not “speech” and therefore should be regulated in political campaigns and that corporations are not “people” – only natural persons should enjoy inalienable rights.

In a *Memo* submitted to the City Council, *Move to Amend – South Central Indiana* provides a detailed analysis of the *Citizens United* decision and possible remedies. The group writes that it reviewed many possible amendments but chose the national *Move to Amend* proposed language because the amendment would fix the problem and is clear enough to explain to anyone. The language of the amendment makes it clear that corporations are not people and can be regulated and that money is not speech and can be regulated. ⁴

While passing an amendment to the U.S. Constitution will be hard work, as pointed out in a Statement submitted by former City of Bloomington Mayor and former City Councilmember Tomi Allison, it is not without precedent: the 13th amendment abolished slavery, the 15th amendment secured voting rights for former slaves, the 19th amendment secured voting rights for women; the 24th amendment abolished the poll tax and the 26th amendment lowered the voting age to 18.

In the spirit of *Resolutions Week*, Resolution 12-09 encourages the work of *Move to Amend-South Central Indiana* by supporting an amendment to the U.S. Constitution to provide that corporations are not “people” and money is not “speech.” The Monroe County Commissioners will consider a similar resolution in August.

⁴ **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.

Resolution 12-09 is premised on the following points:

- self-governance and free speech are essential components of responsive policy making;
- free and fair elections are essential to democracy;
- *Citizens United* creates an unequal playing field by permitting corporations to unduly influence elections, candidate selection and lawmaking; and
- States that *Citizens United* should be overturned and the U.S. Constitution should be amended

The legislation resolves that the City Council stands with *Move to Amend – South Central Indiana* and others throughout the country to defend democracy from the corrupting effects of undue corporate power by amending the U.S. Constitution to establish that corporations are not people; money is not speech and that any amendment should not be construed abridge the peoples' freedom of speech, freedom of the press and free exercise of religion. The legislation also calls on other communities and jurisdictions to join with Bloomington by passing similar resolutions.

We respectfully encourage our fellow Councilmembers to support this effort.

MEMORANDUM

To: Bloomington City Council Members
Daniel Sherman, Council Administrator
Stacy Jane Rhoads, Deputy Administrator/Researcher
From: Move to Amend – South Central Indiana
Date: June 15, 2012
Re: In Support of 28th Amendment

Over the past few decades, the deluge of corporate money in elections has caused the functioning of our democracy to deteriorate. On January 21, 2010, when the United States Supreme Court rendered its decision in *Citizens United v. Federal Election Commission*, the problem got much worse. In a five to four decision, the Court struck down McCain-Feingold's provision prohibiting corporations from making "independent expenditures" for advertising for or against specific candidates within sixty days of a federal election. The Court held that the independent expenditure ban violated the First Amendment of the United States Constitution by prohibiting protected "speech" without justification.

The Court applied "strict scrutiny," under which a law that burdens a core constitutional right will be upheld only if a court finds that the law is narrowly tailored to achieve a compelling interest. The court rejected all of the interests cited by the government in support of the independent expenditure ban, finding that independent expenditures (those not made in coordination with a candidate) do not give rise to corruption or the appearance of corruption.

Citizens United didn't arise in a vacuum. Scholars and authors have traced the roots of the modern corporate power movement back to the U.S. Chamber of Commerce's comprehensive response to our nation's democratic progress in the 1960's and 1970's, which resulted in, among other things, creation of the Environmental Protection Agency and passage of environmental laws. The blueprint for the Chamber's response was designed by Lewis Powell shortly before his appointment to the Supreme Court by President Nixon. A cofounder of Free Speech for People has written a book detailing the history and context of

Citizens United and setting forth a three-pronged plan, the first prong of which is a constitutional amendment, to restore democracy. Clements, J.D. (2012). *Corporations are not people: why they have more rights than you do and what you can do about it*. The Constitutional Accountability Center has published a relatively short and very informative summary of the Court's treatment of corporations over its history. Gans, D. & Kendall, D. (2010). *A Capitalist Joker: The Strange Origins, Disturbing Past and Uncertain Future of Corporate Personhood in American Law* [available online].

The following two propositions would seem to underlie the Court's decision: (1) that corporations are people, or at least have the same constitutional rights as people; and (2) that spending money on advertisements is speech. Some commentators don't agree that *Citizens United* is based on corporate personhood; however, those commentators appear to be in the minority and we find their arguments less persuasive than those that view *Citizens United* as part of the corporate personhood movement.

One argument given for the view that *Citizens United* does not endow corporations with personhood for constitutional purposes is that the First Amendment doesn't use the word *person* in connection with freedom of speech. Some commentators also point to language in *Citizens United* and an earlier decision authored by Justice Powell, *First Nat. Bank of Boston v. Bellotti*, 435 U.S. 765 (1978), suggesting that it was the First Amendment rights of the listeners, not the rights of the speaker, that underlay the decision. See, e.g., Hager, R. & Leas, J. (2012). *The problem with Citizens United is not corporate personhood*, [Electronic Version]. www.truth-out.org/problem-citizens-united-not-corporate-personhood/1326497162.

The *Citizens United* decision almost certainly prevents not only the federal government, but also state and local governments, from regulating corporate spending on political advertising. This is because the Fourteenth Amendment's Due Process Clause is interpreted as making fundamental provisions of the Bill of Rights applicable to the states, and because federal law preempts inconsistent state and local law pursuant to the Supremacy Clause.

Different people have responded to *Citizens United* in different ways. Some citizens (a minority, according to polls cited by Jeffrey Clements) agree with the decision. Some people who agree that *Citizens United* is harmful to democracy do not, for various reasons, favor a constitutional amendment. For example, some people feel that if laws are enacted to require disclosure of the identities of all sources of electioneering and campaign funding, and/or to require shareholder approval of corporate political spending, the problem will disappear. We at Move to Amend – South Central Indiana disagree with this.

Many people and groups have proposed constitutional amendments to overturn *Citizens United*. Some proposed amendments preclude corporations from possessing only rights of expression (speech and its equivalent), rather than any and all constitutional rights. The Sanders-Deutsch Amendment applies only to for-profit corporations. This clearly would not fix the problem. *Citizens United*, the corporation in the *Citizens United* case, was a nonprofit, as are many PAC's.

The national coalition, Move to Amend, supports the following proposed 28th Amendment to the United States Constitution:

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.

Our local group, which formed in January 2012, considered different amendments and eventually chose to support the Move to Amend amendment and to affiliate with Move to Amend. It was important to us to support an amendment that would fix the problem and was clear enough to explain to anyone, and we wanted to be part of the larger Move to Amend movement.

One concern raised about the proposed constitutional amendments, (such as the one we support), that deny corporations **all** constitutional rights (instead of only First Amendment rights) is the contention that corporations must have property rights in order for the economy to function. The Fifth Amendment's Takings Clause prevents governments from taking private property for public use without just compensation. While it's true that passage of the Move to Amend 28th Amendment would preclude corporations from having Fifth Amendment rights, several avenues would exist to prevent taking of corporate property without just compensation. For example, statutes could be enacted to give corporations certain property rights, the corporation's human shareholders could vindicate their constitutional rights against takings without just compensation in court, and the constitutional power of the government to take such action could be challenged.

Unlike humans, corporations are created by law and endowed with advantages such as limited liability and perpetual life, for economic reasons. Their wealth and influence don't belong in the political sphere. In order to ensure that our federal, state, and local governments can act in the interests of the people, a constitutional amendment is needed.

We are excited that our City of Bloomington is becoming part of this important national movement in support of democracy.

**STATEMENT OF FORMER CITY OF BLOOMINGTON MAYOR & COUNCILMEMBER
TOMI ALLISON**

When they met in Philadelphia in the summer of 1787 the founders must have seen right away that the writing of a Constitution for a brand new nation was harder than they had imagined. In their recognition that the finished document was less than perfect, they sought a way for future generations to improve it in the light of future experience. That is why they included Article 5. Article 5 says how we can amend our Constitution so as to approach the more perfect Union for which the founders hoped.

We have already made 27 Amendments. Normally Congress proposes an amendment, following approval by 2/3 of both the House of Representatives and the Senate. The proposed amendment becomes part of the Constitution upon ratification by 3/4 of the state legislatures. This is how we abolished slavery (the 13th Amendment), secured for former slaves and women the right to vote (the 15th and 19th Amendments), abolished the poll tax (the 24th Amendment), and lowered the voting age to 18 (the 26th Amendment). Of those 27 Amendments we have seen fit to repeal only one, the Amendment that gave us Prohibition. Can any other part of government claim a 96% success rate?

The petition we bring to City Council is part of a national movement brought into being by a recent Supreme Court decision, *Citizens United v. FEC* (2010). This controversial 5-4 decision allows corporations, in the name of free speech, to undermine our political process through the expenditure of unlimited sums of corporate money on political advertising. We see this decision as contrary to founder intent, contrary to decades of judicial precedent, and subversive of government by and for the people.

Move to Amend, South Central Indiana, a member of a national coalition, has collected over 1,316 signatures on a petition that reads as follows: "We, the People of the United States of America, reject the U.S. Supreme Court's ruling in *Citizens United*, and move to amend our Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights." In hundreds of communities citizens, acting through their elected representatives, have endorsed this petition. The official community endorsements range all across the land, from Los Angeles to New York City. Three state legislatures have petitioned to overturn *Citizens United*: Hawaii, New Mexico, and Vermont.

We present the following resolution, in favor of a constitutional amendment, for your endorsement. We will present it as well to the appropriate county officials. We hope to encourage other Indiana communities, and eventually our state legislature, to join this nationwide effort to persuade Congress to formulate and approve a 28th Amendment:

Be it resolved that *Move to Amend, South Central Indiana*, hereby calls on the Bloomington City Council to join the national campaign for an Amendment to the Constitution to abolish corporate personhood and the doctrine of money as speech. Be it further resolved that the City of Bloomington calls on other communities and jurisdictions to join with us in this action by passing similar resolutions.



Tomilea Allison
Mayor of Bloomington, 1983-1995
Bloomington City Councilmember, 1977-1982