

## RESOLUTION NO. 3447-2011

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL URGING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION FOR THE STATES' CONSIDERATION WHICH PROVIDES THAT CORPORATIONS ARE NOT PERSONS UNDER THE LAWS OF THE UNITED STATES OR ANY OF ITS JURISDICTIONAL SUBDIVISIONS

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

**WHEREAS**, individual persons are rightfully recognized as the human beings who actually vote in elections; and

**WHEREAS**, corporations are legal entities that governments create and which can exist in perpetuity and simultaneously in many nations; and

**WHEREAS**, corporations do not vote in elections and should not be categorized as persons for purposes related to elections for public office; and

**WHEREAS**, corporations are not mentioned in the United States Constitution as adopted, nor have Congress and the states recognized corporations as legal persons in any subsequent federal constitutional amendment; and

**WHEREAS**, in the 1880's the United States Supreme Court conferred upon corporations the rights of personhood under the 14<sup>th</sup> Amendment; and

**WHEREAS**, the United States Supreme Court has continued to adhere to this legal position in its jurisprudence for over a century, and most recently applied it in its decision Citizens United v. the Federal Election Commission, 130 S.Ct. 876, ("Citizens") that eliminated many restrictions, including any total prohibition, on corporate spending in the electoral process; and

**WHEREAS**, the Supreme Court in "Citizens" has created a new and unequal playing field between human beings and corporations with respect to campaign financing, negating over a century of precedent prohibiting corporate contributions to federal election campaigns dating to the Tillman Act of 1907; and

**WHEREAS**, the "Citizens" decision has forced candidates for political office to divert attention from the interests and needs of their human constituents in order to raise sufficient campaign funds for election; and

**WHEREAS**, corporations are not and have never been human beings and therefore are rightfully subservient to human beings and the governments that are their creators; and

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

**WHEREAS**, large corporations have used their so-called rights to successfully seek the judicial reversal of democratically-enacted laws passed at the municipal, state, and federal levels aimed at curbing corporate abuse; and

**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; and

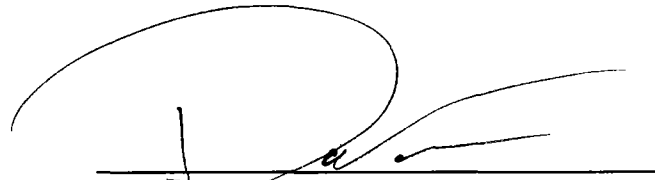
**WHEREAS**, large corporations own most of America's mass media and employ those media to loudly express the corporate political agenda and to convince Americans that the primary role of human beings is that of consumers rather than sovereign citizens with democratic rights and responsibilities;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby call upon our legislators to call for an Amendment to the US 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; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Fort Bragg does hereby direct the City Clerk to send a copy of this resolution to our State Legislators and the California Congressional Delegation.

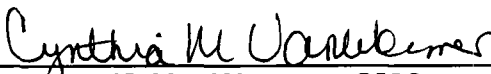
The above and foregoing Resolution was introduced by Councilmember Courtney, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28<sup>th</sup> day of March, 2011, by the following vote:

**AYES:** Councilmembers Courtney, Gjerde, Hammerstrom, and Mayor Turner.  
**NOES:** None.  
**ABSENT:** Councilmember Melo.  
**ABSTAIN:** None.



**DAVE TURNER,**  
Mayor

**ATTEST:**

  
Cynthia M. VanWormer, CMC  
City Clerk