

TOWN OF LOS ALTOS HILLS
Staff Report to the City Council

February 16, 2012

SUBJECT: RESOLUTION URGING CONGRESS TO AMEND THE
CONSTITUTION AND END CORPORATE PERSONHOOD

FROM: Deborah Padovan, City Clerk 

APPROVED: Carl Cahill, City Manager 

RECOMMENDATION: That the City Council:

Adopt a Resolution urging Congress to amend the constitution to end Corporate Personhood.

BACKGROUND:

At the City Council meeting of January 19, 2012, the Council agreed to support a Resolution to Amend the Constitution to end Corporate Personhood and directed staff to prepare a Resolution.

DISCUSSION:

Corporate personhood commonly refers to the Supreme Court created notion of corporations enjoying constitutional rights that were intended solely for humans, such as freedom of speech. Corporations today are granted privileges that enable them to have undue influence over our elections and legislative process, culminating in the 2010 U.S. Supreme Court decision, *Citizens United v. the Federal Election Commission*, which allowed corporations to spend unlimited money on behalf of candidates on First Amendment grounds.

A growing number of cities around the country are adopting resolutions calling for a Constitutional amendment to limit corporate rights and disallow corporate campaign contributions and political advertising as an exercise of free speech.

FISCAL IMPACT:

There is no fiscal impact.

ATTACHMENT:

1. Resolution

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF
THE TOWN OF LOS ALTOS HILLS
URGING CONGRESS TO AMEND THE CONSTITUTION 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 US 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 the 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 the 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 constitution 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 US 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 re-election, 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 US Constitution to Abolish Corporate Personhood, and;

NOW, THEREFORE BE IT RESOLVED, that the City Council for the Town of Los Altos Hills hereby calls on Congress 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, our communities back to America's human persons and thus reclaim our sovereign right to self-governance.

BE IT FURTHER RESOLVED, that the Town of Los Altos Hills calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

BE IT FURTHER RESOLVED, that the City Council of Los Altos Hills 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.

The above and foregoing resolution was passed and adopted by the City Council of the Town of Los Altos Hills at a regular meeting held on the 6th day of February, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Rich Larsen, Mayor

ATTEST:

Deborah Padovan, City Clerk