

REQUEST FOR COUNCIL ACTION

**SUBJECT: DISCUSSION AND POSSIBLE ACTION RELATING TO A
RESOLUTION OF THE CITY COUNCIL CONCERNING CORPORATE
CONSTITUTIONAL RIGHTS**

DISCUSSION:

At the request of Mayor Aguilar, this item has been added to the agenda to allow City Council discussion relating to a Resolution of the City Council concerning corporate constitutional rights.

BACKGROUND:

A growing number of cities are adopting resolutions addressing the issues around corporate personhood. We have reviewed a number of these resolutions, and material regarding the corporate personhood debate. It appears the basic points in these resolutions are that corporations should not be considered to have the same Constitutional rights as natural persons, and that corporate campaign spending should not be considered speech protected by the First Amendment. These concepts are incorporated in the attached resolution, drafted for Council action should we determine that you wish to take this position.

A similar resolution has been presented by members of the community and was recommended by the Human Relations Commission in March. We reviewed multiple resolutions from municipalities and decided that this version would be best for Council consideration.

COUNCILMEMBER BOB GARDNER

MAYOR PETE AGUILAR

DRAFT RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS
URGING CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT
ENDING CORPORATE PERSONHOOD

RECITALS

WHEREAS, historically corporations were created as artificial entities subordinate to our democracy, yet the U.S. Supreme Court has granted corporations personhood status, free speech and other protections guaranteed to living humans by the Bill of Rights and the 14th Amendment, and the Redlands City Council considers it to be its right and duty to assert that corporations are not natural persons with human rights; and

WHEREAS, the U.S. Supreme Court's 2010 ruling in *Citizens United v. Federal Election Commission* further threatens our democracy by rolling back limits on corporate spending in electoral campaigns, allowing, vast amounts of corporate money to drown out the voices of individual human beings; and

WHEREAS, Justice Stevens; writing in dissent in *Citizens United*, stated: "...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, United States Supreme Court Justice Stevens also observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech", and

WHEREAS, U.S. Senate Judiciary Committee Chair Patrick Leahy stated that the ruling "will allow major corporations- who should have law written to control their effect on America - to instead control America;" and Senator Chris Dodd pointed out that "money is not speech," that "corporations are not .people" and that "a constitutional amendment is necessary to fully restore the voice of the American people;" and

WHEREAS, when freedom to speak is equated with freedom to spend money, millions of people who have less money are disenfranchised, thus denying their full rights to free speech.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redlands as follows:

Section 1. The City of Redlands will consider campaign finance reform measures for municipal elections in the future.

Section 2. That it is the position of the City Council of the City of Redlands that corporations should not receive the same constitutional rights as natural persons, and that

because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an equal opportunity to have their political opinions heard.

Section 3. That the Redlands City Council respectfully urges California's Congressional delegation to prioritize this proposal of an amendment to the United States Constitution that contains both of these principles so that the States may ratify it.

Section 4. The Redlands City Council directs the City Manager to send this Resolution to the City's California Congressional Delegation.

ADOPTED, SIGNED AND APPROVED this 1st day of May, 2012.

Peter Aguilar, Mayor

ATTEST:

Sam Irwin, City Clerk