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BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

June 12, 2012

Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009

SUBJECT: Adoption of a Resolution Calling for a Constitutional Amendment and Federal Legislation to End "Corporate Personhood"

RECOMMENDATION:

Adopt the attached resolution calling for federal legislation and a Constitutional amendment to end "corporate personhood" and direct staff to transmit the resolution to our State and federal legislative delegations.

DISCUSSION:

The County of Ventura has had a County Campaign Finance Reform Ordinance since 2003. In the wake of the 2010 U.S. Supreme Court's *Citizens United* decision, our Board was forced to revise our County ordinance to eliminate restrictions on independent committee contributions. Currently, unlimited amounts of money can be donated, collected, and expended on County elections by independent groups or directly by corporations (when done independently of the candidate).

On the national level, the 2010 *Citizens United* decision, adopted with a 5-4 vote of the Supreme Court, overturned more than 100 years of legal precedent and federal campaign legislation by deeming that corporations enjoy the same rights of free speech as people and that corporate campaign spending is protected speech. This decision invalidated many federal, state, and local campaign finance reform laws, including the federal "McCain-Feingold" bipartisan campaign finance reform law. At the national level, this decision has now led to the emergence of "super PACs" that collect and expend extremely large sums of money contributed by a small number of corporations and individuals that would have previously been prohibited. Nothing now prevents similar "super PACs" from operating at the State or local level, or corporations from directly financing independent campaigns.

Because the current Supreme Court majority crafted a new interpretation of the U.S. Constitution to grant corporations the same rights as individuals (AKA "corporate personhood"), a Constitutional amendment could clearly establish that corporations do not have the same rights as persons, that money is not speech, and that campaign finance regulations are lawful under the U.S. Constitution. Constitutional amendments must be first adopted by a supermajority of both houses of Congress and then ratified by $\frac{3}{4}$ of the states. Some legal scholars have suggested that a parallel track of federal legislation is also advisable.

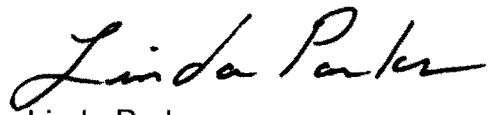
Local and State governments across the nation have adopted resolutions calling upon Congress to initiate a Constitutional amendment to end "corporate personhood" - to declare that corporations do not enjoy the same constitutional rights as persons, and to establish that money is not speech and that campaign expenditures can legitimately be regulated. Locally, the cities of Ojai and Thousand Oaks have adopted such "corporate personhood" resolutions, and the California Assembly has adopted such a bill.

Because free and fair elections are so fundamental to democracy at all levels of government, and because our Ventura County Campaign Finance Reform Ordinance was weakened by the *Citizens United* decision, we recommend that the Board adopt the attached resolution calling for a Constitutional amendment and federal legislation to end "corporate personhood" and enable appropriate campaign finance reform regulation.

Cordially,



Steve Bennett
Supervisor, First District



Linda Parks
Supervisor, Second District

Attachment- resolution

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF VENTURA
CALLING UPON CONGRESS
TO ENACT LEGISLATION AND A CONSTITUTIONAL AMENDMENT
TO END "CORPORATE PERSONHOOD"
AND EXPRESSLY ENABLE CAMPAIGN FINANCE REGULATION

WHEREAS, the United States of America was created in the name of "We the People" and the Constitution and Bill of Rights were drafted in language that applies to persons, and

WHEREAS, corporations are legal entities that are allowed to form and operate by virtue of legislation and were not directly and expressly recognized by nor given rights in the drafting of the Constitution, and

WHEREAS, free and fair elections are fundamental to the functioning of a democracy at all levels of government, and

WHEREAS, large sums of money in the form of campaign contributions have a long-recognized ability to corrupt individuals and democratic institutions and therefore, limitations on contributions have long been upheld by the courts of the United States, and

WHEREAS, for over 100 years prior to the 2010 *Citizens United* 5-4 decision of the U.S. Supreme Court, political expenditures by corporations were regulated to protect democracy, and

WHEREAS, the *Citizens United* decision forced the elimination of important protections of the democratic process from federal, state, and local campaign finance regulations including the Ventura County Campaign Reform Ordinance by giving corporations the same constitutional rights as persons,


NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Ventura calls upon Congress to enact legislation and a Constitutional amendment to end "corporate personhood" by establishing that only human beings have constitutional rights, to hold that expenditure of money is not speech, and to expressly authorize the regulation of campaign contributions and expenditures.

Upon motion of Supervisor Parks, seconded by Supervisor Bennett, and duly carried, the foregoing resolution was approved on June 12th, 2012.

ATTEST:

MICHAEL POWERS,
Clerk of the Board of Supervisors,
County of Ventura,
State of California

By Dawnielle AIA


Chair, Board of Supervisors



Deputy Clerk of the Board

The seal of the County of Ventura Board of Supervisors is a circular emblem. It features a central figure, likely a personification of justice or a historical figure, holding a scale and a sword. The figure is surrounded by various symbols of industry and agriculture, including a plow, a sheaf of wheat, and a gear. The words "COUNTY OF VENTURA" are inscribed around the perimeter of the seal.

**Board of Supervisors Agenda
for
June 12, 2012**

Time Certain Agenda - Item 16 –

Letters submitted by Elizabeth Miller Cole, Meg Goodwin, Anahata Pomeroy, Lois Marcontell, Dulanie Ellis-La Barre and Bill Haff. Statement submitted by Lucas Thayer

**Provided to all Board of Supervisors on
June 12, 2012**

Dawnyelle Addison - Re: Fwd: Resolution to Amend US Constitution

From: Dawnyelle Addison
To: Gonzalez, Rosa; Rodriguez, Roberta
Subject: Re: Fwd: Resolution to Amend US Constitution

>>> "MARK COLE" <mark7125@sbcglobal.net> 6/8/2012 6:08 PM >>>

Thank you to Steve Bennett and Linda Parks for writing a well crafted resolution to stop "Corporate personhood" and for proposing this to the County Board of Supervisors.

I appreciate this effort greatly and believe our country can only benefit by getting Corporations back under the control of human beings who created them in the first place.

Thank you,

Elizabeth Miller Cole
1273 S Rice Rd #12
Ojai, CA 93023
805-640-7147

Presented to the Board
Re: Agenda of June 12, 2012
Item # 16

Dawnyelle Addison - Re: Fwd: End Corporate Personhood

From: Dawnyelle Addison
To: Gonzalez, Rosa; Rodriguez, Roberta
Subject: Re: Fwd: End Corporate Personhood

>>> "Meg Goodwin" <ojaihouse@earthlink.net> 6/8/2012 7:13 PM >>>
Dear Supervisors,

I am unable to attend the meeting June 12th, and would like to add my voice to the call to End Corporate Personhood. The wholesale buying of our political process has got to stop. We need publicly funded elections.

They cannot buy my vote!

Thank you for considering this amendment, you will be on the right side of history.

Meg Goodwin
304 N. Montgomery St.
Ojai, Ca. 93023
805-640-1656

Dawnyelle Addison - Re: Fwd: Move to Amend

From: Dawnyelle Addison
To: Gonzalez, Rosa; Rodriguez, Roberta
Subject: Re: Fwd: Move to Amend

>>> "anahata pomeroy" <anahata44@gmail.com> 6/8/2012 7:42 PM >>>

I am currently a member of the Ojai Move to Amend group. I also belong to the Move to Amend Study group, studying the history of this case. When you read the history, corporate "personhood" was an error in the records. It needs to be overturned in the Supreme Court or by our States amending the Constitution to give only humans the status of personhood.

I support Steve Bennett's efforts to move Ventura County in this direction.

Sincerely, Anahata Pomeroy
POB 320
Ojai, CA 03024

--

aloha, Anahata

Beaming ALOHA in all you say and do = love & peace for everyone.

Dawnyelle Addison - Re: Fwd: Agenda item #16

From: Dawnyelle Addison
To: Rodriguez, Roberta
Subject: Re: Fwd: Agenda item #16
CC: Gonzalez, Rosa

>>> "Lois Marcontell" <loisann@rain.org> 6/11/2012 12:32 PM >>>
To Roberta Rodriguez,

As a registered voter here in Ventura County, I am lending my support of the Constitutional amendment to eliminate "corporate personhood", which will be addressed as agenda item #16.

Thank you.

Lois Marcontell
1273 So Rice Rd. #28
Ojai, CA 93023

Dulanie Ellis-La Barre
206 So. Blanche St., Ojai, CA 93023

June 12, 2012

Board of Supervisors
Ventura County, CA

I passed a car in a parking lot last week that had two bumper stickers. The first said: "U.S. Marine Corps," so I knew it belonged to a true patriot, someone willing to put their life on the line for our country and our ideals. The second sticker read: "Okay, joke's over. Give us our Constitution back." Exactly!

When our forefathers rebelled against the autocratic rule of kings and wrote our Constitution, the ideas of social equality and democratic principles were bold, visionary and revolutionary. The idea of fairness and "one man one vote" was established. Note that it was "one MAN" -- because women didn't get the vote until the year my mother was born. And civil rights and the voting rights act wasn't legalized until I was in high school. Our government has been imperfect but we have always moved in the direction of greater fairness... until now.

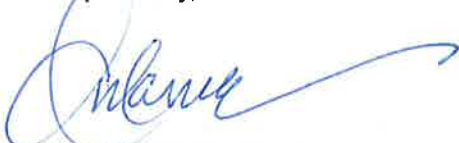
It is not hyperbolic to say that our democracy is collapsing. Our constitutional rights have been systematically dismantled over the past decade in the name of national security and now the Corporate Personhood law has just sold our elections to the highest bidder.

We must, as concerned citizens, cities, counties and states demand its rescision. I applaud Supervisors Bennett and Parks for beginning this process for Ventura County.

If we're going to let monied powerful interests corrupt our voting process, the very foundation of our democracy, we might as well just give up the facade of elections. Just let everyone raise money until a certain date, declare the winner, let them rule like kings and wait for the revolution. For it will come. It always does. That's how we got started.

Do the right thing. Pass this resolution. We have lost our way and it is up to "we the people" to restore the accountability, transparency and democratic principle to our government.

Respectfully,



Dulanie Ellis-La Barre

Home: 805-640-1133 Fax: 805-640-7899 Cell: 805-798-0158

dulanie@me.com

We Are The 99%

We are for prosperity; we are against unbridled greed and using wealth to gain unfair advantage and rig the system against us.

We are for corporations limited by charters to specific economic functions; we are against government by and for corporations.

Corporations do not equal people and money does not equal speech.

We are for a market economy; we are against crony capitalism, gaming of the tax system, and corruption of our governing institutions and officials by marketeers and profiteers.

We are for banks; we are against destructive, fraudulent and discriminatory banking practices and usury. Too big to fail = too big to exist.

We are for investment markets; we are against gambling, racketeering, fraud, and deception in the financial industry.

We are for energy; we are against the wanton destruction of air, water, lands, seas, animal populations, and human health in its production.

We are for healthcare; we are against the Medical Industrial Complex putting more effort into profiting from “treatments” than finding preventions and cures.

We are for spirituality; we are against allowing religious dogma to dictate laws curtailing our civil rights, freedoms, and private decisions.

We are for technology; we are against corporations unleashing untested, toxic, and carcinogenic chemicals, products, drugs, and genetically altered foods on an unsuspecting populace *especially* when the same corporations also profit from “treatments” for the diseases they cause.

We are for democracy; we are against the purchase of elected office by special interests and the sale of influence by government officials.

We are for intelligent regulation because that’s the only thing that prevents the abuse and corruption of all the other things we are for.

The 99% Ventura County

The99PercentVentura@gmail.com

If you agree with this document copy it, sign it, fold it, seal it, address it, and send it to your state and federal legislators. Repeat, until they get it.

Go here to find out the addresses:

<http://www.usa.gov/Contact/Elected.shtml>

The 99% Ventura County

This group is entirely local and does not have any ties to other national groups, although many of its members are affiliated with various Occupy groups, MoveOn, Unions, Veterans groups, and other progressive organizations. All the members recognize that for 99% of us, the American way of life has been grievously damaged and is continually threatened by the systematic dismantling of our protections - the policies & laws that once regulated the predatory tendencies of capitalism. We realize it is no longer possible to tell where the corporate world ends and government begins. The 99% are tired of worrying about this state of affairs and are preparing themselves to do something about it.

We intend to do whatever, whenever, and wherever we can to reverse the victimization of average Americans by those with the money, the influence, and the moral turpitude* to rig the system in their favor even as it costs the rest of us our homes, our livelihoods, our health, and even our lives. This state of affairs threatens our inalienable rights to life, liberty and the pursuit of happiness and it will not stand because that is what the first American Revolution was all about. We hope to avoid a second.

* A defect of character distinguished by acts of baseness, vileness or depravity in the private and social duties which a person owes to another member of the human race, or to society in general or acts that are contrary to the accepted and customary rule of right and duty between citizen and citizen.

Please join us because things won't change unless WE change them.

The99PercentVentura@gmail.com



“The liberty of a democracy is not safe if the people tolerate the growth of a private power to the point where it becomes stronger than their democratic state itself. That, in its essence, is fascism: ownership of government by an individual, by a group, or by any other controlling private power.”

- Franklin Delano Roosevelt

Debora Markley - Lucas Thayer

From: Debora Markley
To: Roberta Rodriguez
Date: 6/12/2012 8:16 AM
Caller: Lucas Thayer

He is a voter and appreciates the BOS putting the referendum regarding corporate personhood on the agenda. He urges them all to vote yes on this important matter. Once it is passed, he asks that the BOS forward it to the U.S. Congress and urge them also to pass a Constitutional amendment to the fact that corporations are not people and money is not free speech.

ITEM 16