

RESOLUTION NO. 65,627-N.S.

URGING OUR FEDERAL REPRESENTATIVES TO AMEND THE CONSTITUTION TO  
END CORPORATE PERSONHOOD

WHEREAS, the protections afforded by the First Amendment of the United States Constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations; and

WHEREAS, corporations are not people but, instead, are entities created by the laws of states and nations; and

WHEREAS, for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically enacted reforms; and

WHEREAS, the U.S. Supreme Court's 5-4 ruling in *Citizens United v. the Federal Election Commission* rolled back legal restrictions on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, thereby threatening the voices of "We the People" and the very foundation of our democracy; and

WHEREAS, U.S. Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, the *Citizens United v. FEC* decision supersedes state and local efforts to regulate corporate activity in their elections.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby affirms that corporations are not entitled to the protections or rights of persons and that the expenditure of corporate money is not a form of constitutionally protected speech.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that it hereby stands with communities across the country to defend democracy from the corrupting effects of undue corporate power by urging our Federal elected officials to amend the United States Constitution to reverse *Citizens United v. FEC*.

BE IT FURTHER RESOLVED that the City of Berkeley hereby supports Assembly Joint Resolution 22 by Assemblymembers Bob Wieckowski and Michael Allen, and Senate Joint Resolution 33 by US Senator Bernie Sanders, calling for an amendment to the United States Constitution ending corporate personhood.

BE IT FURTHER RESOLVED that copies of this resolution be sent to President Barack Obama, Congresswoman Barbara Lee, United States Senators Barbara Boxer, Diane Feinstein and Bernie Sanders, Assemblymembers Bob Wieckowski, Michael Allen and Nancy Skinner, and State Senator Loni Hanock.

The foregoing Resolution was adopted by the Berkeley City Council on March 6, 2012 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

  
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Tom Bates, Mayor

Attest:   
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Mark Numainville, CMC, Acting City Clerk