

RESOLUTION NO. 2011-177

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA ENDORSING UNITED STATES CONSTITUTIONAL AMENDMENT STATING THAT CORPORATIONS ARE NOT PEOPLE AND DO NOT HAVE FREE SPEECH AND OTHER PROTECTIONS GUARANTEED TO LIVING HUMANS BY THE BILL OF RIGHTS AND THE 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION

WHEREAS, At the regular meeting of January 11, 2011, the City Council considered a request by Mayor Delgado to place on a future City Council agenda (step 1 of 2 step process) City Council consideration of adopting a Resolution endorsing a United States Constitutional amendment stating that corporations are not people and do not have free speech and other protections guaranteed to living humans by the Bill of Rights and the 14th Amendment to the United States Constitution; and

WHEREAS, the City Council considered the request and, after receiving public input on the request, took action to direct staff to bring the matter back for further consideration and possible action; and

WHEREAS, at the adjourned meeting of January 18, 2011, the City Council again considered the request. After taking public input and further consideration, the City Council took action to direct that a Resolution be prepared by the petitioning group and, when ready, to bring the matter back to the City Council for further consideration and possible action; and

WHEREAS, should the City Council approve this request, there does not appear to be any fiscal impact to adopting the proposed Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina calls for amending the U.S. Constitution to establish that:

1. Corporations should not be exempt from campaign finance restrictions on the basis of campaign contributions being the same as political speech protected by the First Amendment; and
2. Corporations are not natural persons, and therefore are not entitled to the same First Amendment rights provided to individual persons.

BE IT FURTHER RESOLVED, that the City Council of the City of Marina requests that our elected representatives introduce a constitutional amendment that contains both of these principles, or introduce motions to include these principles in related constitutional amendments (9HJRes 74, SJRes 28, Ca HJRes3.); and

BE IT FURTHER RESOLVED, that the City Council of the City of Marina calls for other to join the movement to amend the U.S. Constitution in actions that defend our rights to self-governance; and

BE IT FINALLY RESOLVED, that the City Council of the City of Marina directs that this Resolution be posted on its website and sent to U.S. President Barack Obama; other pertinent elected national and state officials including Senate Judiciary Committee Chair Patrick Leahy, House Judiciary Committee Ranking Member John Conyers, U.S. Senators Chris Dodd and Tom Udall, U.S. Congresswoman Donna Edwards; and all local media outlets.

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PASSED AND ADOPTED at regular meeting of the City Council duly held on this 18th day of October 2011 by the following vote:

AYES, COUNCIL MEMBERS: Brown, O'Connell, Delgado

NOES, COUNCIL MEMBERS: Amadeo, Ford

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Acting Deputy City Clerk

September 30, 2011

Item No. **10b**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of October 18, 2011

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2011-,
ENDORING UNITED STATES CONSTITUTIONAL AMENDMENT
STATING THAT CORPORATIONS ARE NOT PEOPLE AND DO NOT
HAVE FREE SPEECH AND OTHER PROTECTIONS GUARANTEED TO
LIVING HUMANS BY THE BILLOF RIGHTS AND 14TH AMENDMENT
TO THE UNITED STATES CONSTITUTION**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2011-, endorsing United States Constitutional amendment stating that corporations are not people and do not have free speech and other protections guaranteed to living humans by the Bill of Rights and the 14th Amendment to the United States Constitution.

BACKGROUND:

At the regular meeting of January 11, 2011, the City Council considered a request by Mayor Delgado to place on a future City Council agenda (step 1 of 2 step process) City Council consideration of adopting a Resolution endorsing a United States Constitutional amendment stating that corporations are not people and do not have free speech and other protections guaranteed to living humans by the Bill of Rights and the 14th Amendment to the United States Constitution.

The City Council considered the request and, after receiving public input on the request, took action to direct staff to bring the matter back for further consideration and possible action.

At the adjourned meeting of January 18, 2011, the City Council again considered the request. After taking public input and further consideration, the City Council took action to direct that a Resolution be prepared by the petitioning group and, when ready, to bring the matter back to the City Council for further consideration and possible action.

ANALYSIS:

The petitioning group has now prepared a proposed Resolution for City Council consideration and possible action. (“**EXHIBIT A**”)

FISCAL IMPACT:

Should the City Council approve this request, there does not appear to be any fiscal impact to adopting the proposed Resolution.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Anthony J. Altfeld
City Manager
City of Marina

RESOLUTION

CORPORATIONS ARE NOT PEOPLE; MONEY IS NOT SPEECH

Whereas, 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, yet historically corporations were created as artificial entities that were subordinate to our democracy; and

Whereas, the Marina City Council considers it to be our right and duty to assert that corporations are not natural persons with human rights but artificial entities created by our government; and

Whereas, although some corporations make important contributions to our society, they are required by law to put profit ahead of any other concern, can exist simultaneously in many nations, and use court granted "corporate rights" to get laws that threaten corporate profits weakened or overturned, even when those laws protect people and communities; and

Whereas, the U.S. Supreme Court's 2010 ruling in Citizens United v. the Federal Election Commission threatens our democracy by rolling back limits on corporate spending in electoral campaigns, allowing torrents of corporate money to drown out the voices of "We the People"; and

Whereas, a Washington Post-ABC News poll found that 80% of Americans oppose the Citizens United ruling (Democrats 85%, Republicans 76%, Independents 81%) and a Harris poll found that 87% think big companies have too much influence in Washington; and

Whereas, U.S. Senate Judiciary Committee Chair Patrick Leahy stated that the Citizens United ruling "will allow major corporations . . . to control America;" and former Republican senator Warren Rudman wrote, "Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution, and free speech can hardly be called free when only the rich are heard;" 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 trust and voice of the America people."

NOW, THEREFORE, BE IT RESOLVED that the Marina City Council of the City of Marina calls for freeing democracy from corporate control by amending the U.S. Constitution to establish that:

1. Money is not speech.
2. Corporations are not natural persons and not entitled to constitutional rights.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on this 4th day of October 2011 by the following vote:

AYES, COUNCIL MEMBERS:
NOES, COUNCIL MEMBERS:
ABSENT, COUNCIL MEMBERS:
ABSTAIN, COUNCIL MEMBERS:

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Acting Deputy City Clerk