



City of Sonoma  
**City Council**  
**Agenda Item Summary**

City Council Agenda Item: 8E

Meeting Date: 9/5/12

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**Department**

Administration

**Staff Contact**

Linda Kelly, City Manager

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**Agenda Item Title**

Discussion, consideration and possible action on a request for a resolution in support of Senate Joint Resolution 33 which proposes a Constitutional Amendment to repeal Citizens United vs. Federal Election Commission Supreme Court decision and end corporate personhood, requested by Mayor Pro Tem Brown.

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**Summary**

In 2010 in *Citizens United vs. Federal Elections Commission*, the Supreme Court ruled that corporations could participate in elections specifically through spending money on behalf of political candidates. U.S. Senator Bernie Sanders of Vermont has introduced Senate Joint Resolution 33, which proposes an amendment to the U.S. Constitution to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States. The amendment would prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

The move to amend the Constitution seeks to abolish "corporate personhood" to eliminate certain rights that corporations have to fund election campaigns.

According to Wikipedia, "Corporate personhood is the legal concept that a corporation may sue and be sued in court in the same way as natural persons or unincorporated associations of persons. This doctrine in turn forms the basis for legal recognition that corporations, as groups of people, may hold and exercise certain rights under the common law and the U.S. Constitution. The doctrine does not hold that corporations are "people" in the literal sense, nor does it grant to corporations all of the rights of citizens. However, as interpreted by the US Supreme Court, the doctrine provides corporations the right to secretly and with some limits - fund political campaigns."

Mayor Pro Tem Brown is seeking Council support for a Council resolution supporting Senate Joint Resolution 33 to amend the U.S. Constitution and end corporate personhood. If adopted by Council, the resolution would be transmitted to the City's Federal representatives including Senators Boxer and Feinstein and Representative Thompson.

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**Recommended Council Action**

Council discretion.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

If request is approved, a letter would be provided within the normal workload of staff.

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**Environmental Review**

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

**Status**

- Approved/Certified
  - No Action Required
  - Action Requested
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**Attachments:**

County of Sonoma staff report  
County Resolution adopted 3/20/12  
Senate Joint Resolution 33

<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> 5
<b>Department:</b> Board of Supervisors		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Susan Upchurch - (707) 565-2241	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b>
<p><b>AGENDA SHORT TITLE:</b> Resolution in support for Senate Joint Resolution 33 which proposes a Constitutional Amendment to repeal <i>Citizens United vs. Federal Election Commission</i> Supreme Court decision and end corporate personhood.</p> <p><b>REQUESTED BOARD ACTION:</b> Support the draft Resolution to support Senate Joint Resolution 33 which proposes a Constitutional Amendment to end corporate personhood and reverse the recent Supreme Court decision <i>Citizens United vs. Federal Election Commission</i>.</p>		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> There is no prior action on this matter.		
<b>Alternatives – Results of Non-Approval:</b> The Board's position would not be expressed to members of Congress on the issue.		

**Background:** Corporate personhood has historically and recently conferred upon corporations by Supreme Court decisions. First, in 1886 in *Santa Clara County vs. Southern Pacific Railroad* which established a corporation was entitled to all of the rights of a human being and in 2010 in *Citizens United vs. Federal Elections Commission* when the Supreme Court ruled that corporations could participate in elections specifically through spending money on behalf of political candidates.

There is a national movement known as “Move To Amend” which has proposed a constitutional amendment to overturn the 2010 decision and eliminate the Constitutional Rights granted to corporations. Local representatives of the Move to Amend have contacted Supervisor Carrillo’s office and requested that the Board pass a resolution supporting the passage of a constitutional amendment to accomplish this goal. The cities of Los Angeles, Portland, Oregon and locally the cities of Sebastopol and Petaluma have passed resolutions calling on Congress to support the Amendment and a draft resolution has been attached (Attachment A) for Board review.

United States Senator Bernie Sanders of Vermont has introduced Senate Joint Resolution 33 (Attachment B) in December 2011 which proposes an Amendment to the federal Constitution to expressly exclude for-profit corporations from receiving the rights of natural person by the Constitution of the United States and reverse the 2010 *Citizens United vs. Federal Elections Commission* decision.

As a matter of prior Board action, federal and state issues addressed by the Board occur through the annual adoption of the County’s State and Federal Legislative Platform. The County’s Legislative Platform traditionally only addresses those legislative matters which directly impact the provision of county services to the community.

**Requested Action:** The Board is requested to support the draft Resolution of support Senate Joint Resolution 33 which proposes a Constitutional Amendment to end corporate personhood and reverse the recent Supreme Court decision *Citizens United vs. Federal Election Commission*. Should the Board vote to endorse the Resolution, a copy will be transmitted to the Sonoma County’s federal legislators.

**Attachments:** Attachment A - Draft resolution in support of SJR 33  
Attachment B – Copy of Text of SJR 33

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than “Requested”)**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Urging the Congress of the United States to Support Senate Joint resolution 33 to Amend the United States Constitution and end corporate personhood.**

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, persons are rightfully recognized as human beings, and;

**Whereas**, corporations are entirely human-made legal fictions created by express permission of the people of the United States through the laws established by their elected government, and;

**Whereas**, corporations can exist in perpetuity, need only profit for survival, and exist only through the legal charter imposed by the government of the People of the United States of America, and;

**Whereas**, corporations are not mentioned in the Constitution, and the people through their elected representatives have never granted constitutional rights to corporations, nor have they decreed corporations have authority that exceeds the authority of the People of the United States, and;

**Whereas**, interpretation of the United States Constitution by the Supreme Court to include corporations in the term ‘persons’ has infringed on the peoples’ exercise of self- governance by endowing corporations with Constitutional protections intended for the people, and;

**Whereas**, the judicial bestowal of civil and political rights upon corporations usurps 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.

**Therefore be it resolved**, Sonoma County Board of Supervisors hereby calls on the Congress of the United States to support Senate Joint Resolution 33 which proposes an Amendment o the Constitution to abolish Corporate Personhood.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**

112TH CONGRESS  
1ST SESSION

# S. J. RES. 33

Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2011

Mr. SANDERS (for himself and Mr. BEGICH) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled (two-*  
3 *thirds of each House concurring therein), That the fol-*  
4 *lowing article is proposed as an amendment to the Con-*

1 stitution of the United States, which shall be valid to all  
2 intents and purposes as part of the Constitution when  
3 ratified by the legislatures of three-fourths of the several  
4 States within seven years after the date of its submission  
5 for ratification:

6 "ARTICLE —

7 "SECTION 1. The rights protected by the Constitution  
8 of the United States are the rights of natural persons and  
9 do not extend to for-profit corporations, limited liability  
10 companies, or other private entities established for busi-  
11 ness purposes or to promote business interests under the  
12 laws of any state, the United States, or any foreign state.

13 "SECTION 2. Such corporate and other private enti-  
14 ties established under law are subject to regulation by the  
15 people through the legislative process so long as such regu-  
16 lations are consistent with the powers of Congress and the  
17 States and do not limit the freedom of the press.

18 "SECTION 3. Such corporate and other private enti-  
19 ties shall be prohibited from making contributions or ex-  
20 penditures in any election of any candidate for public of-  
21 fice or the vote upon any ballot measure submitted to the  
22 people.

23 "SECTION 4. Congress and the States shall have the  
24 power to regulate and set limits on all election contribu-  
25 tions and expenditures, including a candidate's own spend-

1 ing, and to authorize the establishment of political com-  
2 mittees to receive, spend, and publicly disclose the sources  
3 of those contributions and expenditures.”.

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