

Resolution of the Durham City Council to Support an Amendment to the U.S. Constitution to End Corporate Personhood, to Reverse the "Citizens United" Supreme Court Decision, and to Restore Fair Elections to the People.

- (1) WHEREAS, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not of corporations;
- (2) WHEREAS, Corporations are not human, are not people, and are not mentioned in the constitution, but instead are human-made legal fictional entities created by the laws of states and nations, with non-human powers and attributes: they can exist in perpetuity, can exist simultaneously in many nations at once, have limited liability, have special rules for the accumulation of assets, and they need only profit for survival.
- (3) WHEREAS, for the past three decades, a divided United States Supreme Court, by including corporations in the term "persons", has erroneously transformed the First Amendment into a powerful tool used by corporations seeking to evade and invalidate the people's laws.
- (4) WHEREAS, the Supreme Court's 5-4 decision in *Citizens United v. FEC* broke with long-settled legal precedents that acknowledged the power of citizens through their elected representatives to limit corporate influence in elections;
- (5) WHEREAS, *Citizens United v. Federal Election Commission* unleashes a torrent of corporate money into our political process, amounts unmatched by any campaign expenditure totals in United States history, threatening to dilute and outweigh the free speech rights of ordinary citizens,
- (6) WHEREAS, *Citizens United v. Federal Election Commission* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections;
- (7) WHEREAS, the current campaign finance system creates an unequal playing field and allows unlimited corporate spending to unduly influence elections, candidate selection, and policy decisions and also forces elected officials to divert their attention from The Peoples' concerns, and even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election;
- (8) WHEREAS, corporations invoking the concept of corporate personhood to use the 1st, 4th, 5th and 14th Amendments has resulted in inordinate corporate power surpassing the rights of individuals and their elected representatives, and may in the future result in the further erosion of those individual rights.
- (9) WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct egregiously wrong decisions of the United States Supreme Court, a process that goes to the heart of our democracy and republican self-government; and
- (10) WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20th century, and including the reversal of seven erroneous Supreme Court decisions.

Therefore, be it resolved, that the City Council of Durham, NC encourages federal and state legislative action to defend democracy from the corrupting effects of undue corporate power by increasing disclosure of political money, providing candidates with an option for voter-authorized public funding, and amending the United States Constitution to establish that:

1. Only human beings, not corporations, are endowed with constitutional rights, and
2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

DATE: _____

APPROVED BY
CITY COUNCIL

MAY 24, 2012

J. Ann Gray
CITY CLERK