

ORANGE COUNTY BOARD OF COMMISSIONERS

Res. 2012-021
2-21-12
4a

RESOLUTION SUPPORTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO CLARIFY THAT CORPORATIONS ARE NOT PERSONS

Whereas, government of, by, and for the people has long been a cherished American value, and the people's fundamental and inalienable right to self-govern and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

Whereas, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food, and;

Whereas, corporations are entirely human-made legal fictions created by express permission of the people and our government, and;

Whereas, corporations can exist in perpetuity, can exist simultaneously in many nations at once, and exist solely through the legal charter imposed by the government, and;

Whereas, corporations are not mentioned in the Constitution, and;

Whereas, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and;

Whereas, interpretation of the US Constitution by the Supreme Court has endowed corporations with Constitutional protections intended only for persons, and;

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

Whereas, unregulated and excessive expenditures by corporations can pervert the election process;

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners commends to our elected Federal representatives and asks that they support the efforts being made on behalf of the people of the United States to amend our United States Constitution to establish that:

1. Corporations are not persons and are not entitled to the rights afforded to people by the Constitution.
2. Contributions by corporations and other business entities to political parties, candidates, and organizations for the purpose of influencing the outcomes of federal, state, and local elections may be regulated.

Be it further resolved that the Orange County Board of Commissioners calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

This the 21st day of February, 2012.


Bernadette Pelissier, Chair
Orange County Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: February 21, 2012

Action Agenda
Item No. 4-a

SUBJECT: Consideration of Resolution Supporting an Amendment to the United States Constitution to Clarify that Corporations are Not People and Money Is Not Speech

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N) No

ATTACHMENT(S):
Comments and Suggested Resolution
Submitted by Move to Amend
Draft Resolution

INFORMATION CONTACT:
Donna Baker, Clerk to the Board, 245-2130
Bernadette Pelissier, Board Chair, 245-2130
Pete Brown, Triangle Move to Amend, 919-260-2398

PURPOSE: To consider adopting a Resolution to Amend the United States Constitution to Clarify that Corporations are Not People and Money Is Not Speech.

BACKGROUND: At the Board's January 24, 2012 regular meeting, members of the Triangle Move to Amend petitioned the Board of Commissioners to adopt a resolution in support of a Constitutional Amendment to undo the harm of the Supreme Court's January 21, 2010 *Citizens United* decision.

With its January 21, 2010 decision in *Citizens United v. Federal Elections Commission*, the U.S. Supreme Court ruled that corporations are persons and that campaign donations are the same as free speech with regard to elections. Triangle Move to Amend rejects the U.S. Supreme Court's ruling in *Citizens United* and proposes that the Board of Commissioners adopt a resolution supporting an amendment to the US Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.

The group's representatives encouraged the Board to join with other jurisdictions across the nation in resolving in favor of amending the US Constitution to undo the impact of the Supreme Court's *Citizens United* decision and do so as close to the anniversary of that infamous decision as possible.

The comments and suggested resolution as submitted by Move to Amend prior to and at the meeting are attached. Staff has also provided a draft resolution for Board consideration.

FINANCIAL IMPACT: There is no financial impact associated with consideration of the resolution.

RECOMMENDATION(S): The Manager recommends the Board consider the attached Resolution and, if approved, authorize the Chair to sign the resolution.

Carol Hay
3500-4 Old Greensboro Rd (White Cross community)
Chapel Hill, NC 2516

Corporations Are Not People

The word **corporation** does not appear in the Constitution of the United States. Since 1886, when personhood under the 14th Amendment was granted to corporations by the Supreme Court, this "right" has been extended to include (and this list is not exhaustive):

1st Amendment protection of free speech
--which was extended to supersede workers' rights to freedom of association
--then to include advertising
--**then to include political contributions when money was declared equivalent to speech**

4th Amendment search and seizure protection

5th Amendment protections
--of due process,
-- against taking private property for public use,
-- against double jeopardy

7th Amendment right to jury trial in a civil case

In contrast, since Sept. 11, 2001, the rights of actual people have been reduced, restricted, annulled, and ignored:

The President can

--order the killing of any citizen **suspected** of terrorism or of supporting terrorists, in violation of the 4th, 5th, 6th, and 8th Amendments.

-- order the indefinite detention of any citizen **accused** of terrorism, in violation of the 6th Amendment.

-- decide whether a citizen will be tried in federal court or military tribunal, in violation of the 5th Amendment.

-- order surveillance of citizens without probable cause, in violation of the 4th Amendment.

The federal government "can claim secret legal arguments to support secret [court] proceedings using secret evidence," * in violation of the 4th, 5th, and 6th Amendments.

The federal government and its CIA employees can torture **suspected** terrorists, in violation of treaties to which the U.S is a party, and of the Nuremburg Principles of war crimes and human rights.

The federal government can transfer anyone, even U.S. citizens, to other countries for purposes of torture.

All of these abuses can be applied to innocent people, even people in this very room. None of us has any legal protection against them.

In light of the fact that corporations have exponentially increasing influence in the outcomes of our elections, and therefore in the control of our government, and in light of the bailout of Wall Street at the expense of Main Street, I ask you to **begin** to help redress this gross subversion of human rights and democratic government by supporting a Constitutional amendment stating that corporations are not people and money is not speech.

Sources:

*For a summary of the diminishing rights of citizens and links to specific sources
http://www.washingtonpost.com/opinions/is-the-united-states-still-the-land-of-the-free/2012/01/04/gIQAvCD1wP_print.html

For a history of increasing corporate personhood
http://www.wilpf.org/docs/ccp/corp/ACP/CP_article%2Btimeline.pdf

Resolution to Amend the Federal Constitution to Clarify that Corporations are not People and Money is not Speech

Whereas, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

Whereas, corporations are human-made, legal fictions created by express permission of We The People and our government, and are not and have never been human beings, but rather are rightfully subservient to human beings and governments as our legal creations, and;

Whereas, corporations can exist in perpetuity, can exist simultaneously in many nations at once, and can concentrate vast wealth which allows them to corrupt the political process in order to gain special privileges and to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights, and;

Whereas, the recent Citizens United v. the Federal Election Commission Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The People's business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and;

Whereas, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, and;

Therefore be it resolved that Orange County, NC stands with the Move to Amend campaign and communities across the country to defend democracy from the corrupting effects of undue corporate power by 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: _____

ORANGE COUNTY BOARD OF COMMISSIONERS

**RESOLUTION SUPPORTING AN AMENDMENT TO THE UNITED STATES
CONSTITUTION TO CLARIFY THAT CORPORATIONS ARE NOT PEOPLE AND
MONEY IS NOT SPEECH**

Whereas, Government of, by, and for the people has long been a cherished American value, and We The Peoples' fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence; and

Whereas, Corporations are human-made, legal fictions created by express permission of We The People and our government, and are not and have never been human beings, but rather are rightfully subservient to human beings and governments as our legal creations, and

Whereas, Corporations can exist in perpetuity, can exist simultaneously in many nations at once, and can concentrate vast wealth which allows them to corrupt the political process in order to gain special privileges and to wield coercive force of law to overpower human beings and communities, thus denying We The Peoples' exercise of our Constitutional rights, and

Whereas, the recent Citizens United v. the Federal Elections Commission Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and

Whereas, Large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, and

NOW THEREFORE BE IT RESOLVED that we, the Orange County Board of Commissioners stand with the Move to Amend campaign and communities across the country to defend democracy from the corrupting effects of undue corporate power and support 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.

This the 21st Day of February 2012.

Bernadette Pelissier, Chair
Orange County Board of Commissioners