

RESOLUTION NO. 64,859-N.S.

SUPPORT FOR HOUSE JOINT RESOLUTION NO. 74 CALLING FOR A CONSTITUTIONAL AMENDMENT PERMITTING CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH

WHEREAS, Chapter 3.68 of the Berkeley Municipal Code sets forth functions of the Peace and Justice Commission including to: "(A) Advise the Berkeley City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to support for human rights and self-determination throughout the world;" and

WHEREAS, on June 15, 2004 the Berkeley City Council unanimously passed a Resolution on Corporate Constitutional Rights stating, in part, that "historically corporations were created as artificial entities, chartered by state governments to serve the public interest, cause no harm, and be subordinate to the sovereign people; and yet by judicial interpretations, corporations gained personhood status, free speech and other protections guaranteed by the Bill of Rights and the 14th Amendment," and that "the citizens of the City of Berkeley consider it to be our sovereign right and civic duty to recognize that corporations remain artificial entities created by the people through our state legislatures;" and

WHEREAS, the U.S. Supreme Court 5 to 4 ruling on January 21, 2010 (in Citizens United v. the Federal Election Commission) rolled back remaining legal limits on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions and thus potentially unleashing unprecedented torrents of corporate money in our political process thereby drowning out the voices of "We the People" and threatening democracy.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley again calls for amending the United States and California Constitutions to declare that corporations are not granted the protections or "rights" of persons and to declare that the expenditure of corporate money is not a form of constitutionally protected speech.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley applauds Congresswoman Donna Edwards for promptly introducing a related amendment to the U.S. Constitution (H.J.RES. 74) and thanks Congresswoman Barbara Lee for co-sponsoring it.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley calls on other communities and jurisdictions to join us in this action by passing similar Resolutions.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley directs the City Manager to send copies of this Resolution to our state and federal government representatives including: Governor Arnold Schwarzenegger, California State Assemblymember Nancy Skinner, California State Senator Loni Hancock, Assembly


Speaker John Perez, President pro Tempore of the California State Senate Darrell Steinberg, U.S. Representative Barbara Lee, U.S. Senators Barbara Boxer and Dianne Feinstein, Majority Leader of the U.S. House of Representatives Steny Hoyer, Majority Leader of the U.S. Senate Harry Reid, and President Barack Obama.

The foregoing Resolution was adopted by the Berkeley City Council on April 27, 2010 by the following vote:

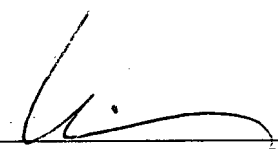
Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: Anderson.



Tom Bates, Mayor

Attest: 

Deanna Despain, CMC, City Clerk