

RESOLUTION 11-79

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CALLING FOR A UNITED STATES CONSTITUTIONAL AMENDMENT REDEFINING THE WORD "PERSON" AS THE WORD IS USED IN THE UNITED STATES CONSTITUTION SO AS TO EXCLUDE LEGAL ENTITIES FROM ITS DEFINITION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, government of the Town of Cutler Bay, by and for the people, has long been a cherished American value and self-governance is a fundamental and inalienable right that is necessary to secure life, liberty and the pursuit of happiness; and

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

WHEREAS, our representative form of government was intended to provide representation for the people and not for legal entities ("Corporations"); and

WHEREAS, corporations are entirely man-made and created by express permission of the people representing their 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 of the people; and

WHEREAS, in addition to these advantages, the great wealth of large corporations allows those small groups of people who control those large corporations to wield disproportionate force of law which has, at times, overpowered human beings and their communities, thus denied individual American people a proportional representation in their government and adversely affected the exercise of their constitutional rights; and

WHEREAS, corporations are not mentioned in the constitution, and the people have never specifically granted constitutional rights to corporations; and

WHEREAS, interpretation of the U.S. Constitution by the United States Supreme Court to include corporations in the term 'persons' has endowed corporations with constitutional protections only intended to protect the people of the United States; and

WHEREAS, the judicial bestowal of certain civil and political rights upon corporations has empowered corporations to sue municipal and state governments for adopting laws that violate 'Corporate Constitutional rights' even when those laws serve to protect and defend the rights of human persons and communities; and

WHEREAS, profits and survival of large corporations are often in direct conflict with the essential needs and rights of human beings; and

WHEREAS, the recent Supreme Court decision in the case of *Citizens United v. Federal Election Commission*, 558 U.S. 08-205 (2010), has rolled back the legal limits on corporate spending in the electoral process and it has created an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes of elected officials against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election; and

WHEREAS, people and municipalities across the nation are calling for an amendment to the U.S. Constitution to abolish "Corporate Personhood".

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

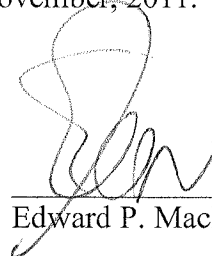
Section 2. Amendment to the United States Constitution. The Town of Cutler Bay hereby calls on its federal representatives and senators and its state representatives and senators to join the citizens, grassroots organizations and local governments across the county in the campaign to call for an amendment to the United States Constitution to define the word "person" as a human being and return our democracy, our elections, our communities back to the people of America and to thus reclaim our sovereign right to self-governance.

Section 3. Communities and Jurisdictions. The Town of Cutler Bay calls on other communities and jurisdictions to pass similar resolutions and join with us in this action.

Section 4. Education. The Town of Cutler Bay supports education to increase public awareness of the threats to our democracy posed by granting constitutional rights to corporations, and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats.

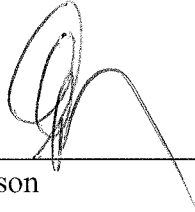
Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 16th day of November, 2011.

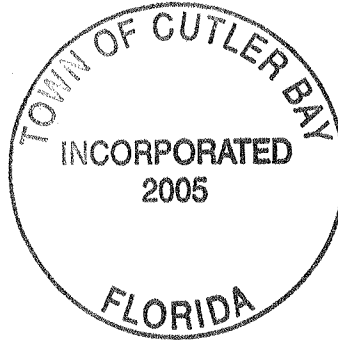


Edward P. MacDougall, Mayor

Attest:



Esther B. Coulson
Town Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:



WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By: Councilmember Bell
Seconded By: Councilmember Mixon

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall	<u>No</u> _____
Vice Mayor Ernest N. Sochin	<u>Yes</u> _____
Councilmember Peggy R. Bell	<u>Yes</u> _____
Councilmember Mary Ann Mixon	<u>Yes</u> _____
Councilmember Sue Ellen Loyzelle	<u>No</u> _____