

CITY OF MOUNTAIN VIEW
RESOLUTION NO. 17674
SERIES 2012

A RESOLUTION IN SUPPORT OF A U.S. CONSTITUTIONAL AMENDMENT TO
ABOLISH CORPORATE PERSONHOOD

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 U.S. Constitution and the Declaration of Independence; and

WHEREAS, free and fair elections are essential to democracy and effective self-governance; 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 We The People and our government; and

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival and exist solely through the legal charter imposed by the government of We The People; and

WHEREAS, in addition to these advantages, the great wealth of large corporations allows them 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, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States; and

WHEREAS, interpretation of the U.S. Constitution by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People; and

WHEREAS, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and 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; 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, large corporations' profits and survival are often in direct conflict with the essential needs and rights of human beings; 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 Peoples' business, or even vote

against the interest of their human constituents, in order to ensure competitive campaign funds for their own reelection; 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

WHEREAS, tens of thousands of people and municipalities across the nation are joining with the Move to Amend campaign to call for an Amendment to the U.S. Constitution to Abolish Corporate Personhood;

NOW, THEREFORE, BE IT RESOLVED that the City of Mountain View, California hereby calls on our Country, State and National elected officials to join the tens of thousands of citizens, grassroots organizations and local governments across the country in the Move to Amend campaign to call for an Amendment to the Constitution to Abolish Corporate Personhood and return our democracy, our elections and our communities back to America's human persons, and to thus reclaim our sovereign right to self-governance.

BE IT FURTHER RESOLVED that the City of Mountain View, California calls on other communities and jurisdictions to join with us in this action by passing similar resolutions.

BE IT FURTHER RESOLVED that the City of Mountain View, California supports education to increase public awareness of the threats to our democracy posed by corporate personhood, and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats.

The foregoing Resolution was regularly introduced and adopted at a Special Meeting of the City Council of the City of Mountain View, duly held on the 20th day of March, 2012, by the following vote:

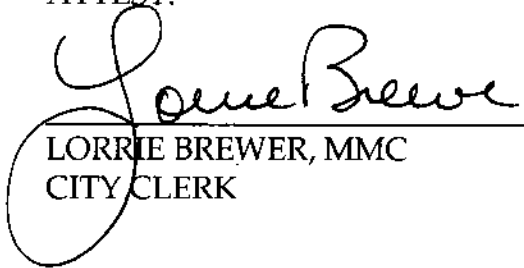
AYES: Councilmembers Abe-Koga, Bryant, Macias, Siegel and Mayor Kasperzak

NOES: Vice Mayor Inks

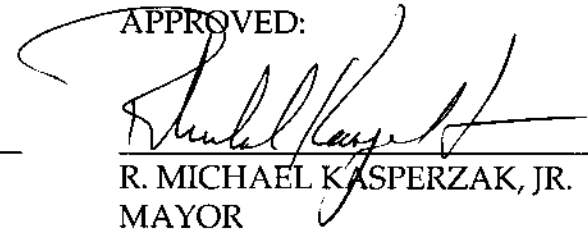
ABSENT: None

NOT VOTING: Councilmember Means

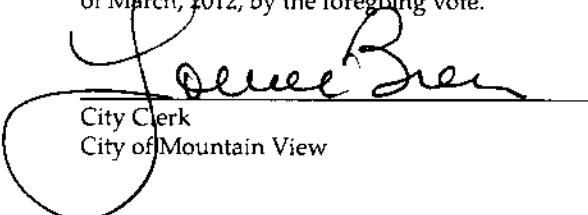
ATTEST:


LORRIE BREWER, MMC
CITY CLERK

APPROVED:


R. MICHAEL KASPERZAK, JR.
MAYOR

I do hereby certify that the foregoing resolution was passed and adopted by the City Council of the City of Mountain View at a Special Meeting held on the 20th day of March, 2012, by the foregoing vote.


City Clerk
City of Mountain View

COUNCIL REPORT



CITY OF MOUNTAIN VIEW

AGENDA: March 20, 2012

8.1

CATEGORY: Items Initiated by Council

DEPT.: City Council

TITLE: Resolution in Support of
U.S. Constitutional Amendment

RECOMMENDATION

Adopt A RESOLUTION IN SUPPORT OF A U.S. CONSTITUTIONAL AMENDMENT TO ABOLISH CORPORATE PERSONHOOD (Attachment 1 to the staff report), to be read in title only, further reading waived.

FISCAL IMPACT—None.

BACKGROUND AND ANALYSIS

With its 2010 *Citizens United v. The Federal Elections Commission* decision, the United States Supreme Court rolled back the legal limits on corporate spending in the electoral process, effectively granting First Amendment rights to corporations. Corporate spending in elections is now equated with free speech, allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and to sway votes. Furthermore, the decision has created an unequal playing field that forces elected officials to divert attention from The Peoples' business, or even to vote against the interest of their human constituents, in order to curry corporate favors and ensure competitive campaign funds for their own reelection.

The negative impact of the Court's decision has most recently manifested itself during the 2012 GOP Presidential Primaries with the creation of SuperPACs which have raised and spent untold millions of dollars. The undue influence of SuperPAC moneys is certain to grow during the 2012 general election and beyond unless strict spending limits and transparency requirements are imposed.

The serious consequences of the Supreme Court's decision have been revealed by the farcical and entirely legal million-dollar-plus SuperPAC created by comedian Stephen Colbert. It is clear that our Supreme Court got it wrong this time.

In response to the *Citizens United* ruling and its practical aftermath, a grassroots movement, Move to Amend, is growing across the country. This nonpartisan collection of eclectic groups and individuals is urging an amendment to the United States Constitution that will wrest control of our elections and elected officials from corporate influence. The power to direct the future of our Democracy must be returned to American voters.

AGENDA: March 20, 2012

PAGE: 2

Attachment 1 to the staff report is a proposed resolution by the City of Mountain View in support of the effort to amend the United States Constitution to abolish corporate personhood. To date, hundreds of communities across the United States have adopted such resolutions, from Boulder, Los Angeles, Albany, New York City, Los Altos Hills and beyond.

Attachment 2 is the text of the amendment proposed.

Attachment 3 is a current list of Move to Amend supporters.

CONCLUSION

As a result of the Supreme Court's decision in *Citizens United*, the campaign finance system in the United States has been thrown into disarray. The formation of numerous SuperPACs may well subvert the very nature of our democratic system.

A movement has arisen that calls for an Amendment to the United States Constitution abolishing corporate personhood. The movement is growing daily and has been supported by Cities, States and organizations across the country. It is recommended that the City Council adopt the attached resolution in support of such an Amendment.

PUBLIC NOTICING—Agenda posting.

Prepared by:



R. Michael Kasperzak, Jr.
Mayor

RMKJ/KT/5/CAM
609-03-20-12M-E^

- Attachments: 1. Resolution
2. Text of the Proposed Amendment
3. List of Move to Amend Supporters

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RMKJ/KT/5/RESO/609-03-20-12R-E^

Amendment
Move to Amend 28th Amendment

Section 1 *[A corporation is not a person and can be regulated]*

The rights protected by the Constitution of the United States are the rights of natural persons only.

Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any state, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State or local law.

The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

Section 2 *[Money is not speech and can be regulated]*

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

Section 3

Nothing contained in this amendment shall be construed to abridge the freedom of the press.

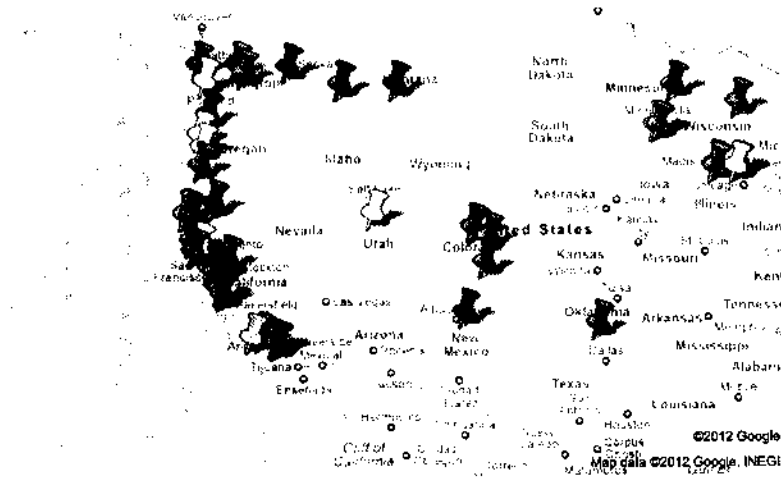
RMKJ/KT/5/MGR
609-03-05-12A-E^

Map of Resolutions & Ordinances Abolishing Corporate Personhood

Click here (<http://maps.google.com/maps?e=UTF&h=ar&area=0&msid=203433765370726385061000496ee26c8100014846d4e41376806-974737018&spz=23.81027679,013672&z=41>) or on the pushpins to see a list of communities and links to the resolution and ordinance texts. If you have trouble viewing this map or the accompanying text, click here (<http://maps.google.com/maps?e=UTF&h=ar&area=0&msid=203433765370726385061000496ee26c8100014846d4e41376806-974737018&spz=26.81327679,013672&z=41>) to view it in a new window.

Map Key

- Blue = Municipalities
- Pink = Organizations
- Green = Colleges & Universities
- Red = Unions
- Yellow = Campaigns in progress



View Resolutions and Ordinances Abolishing Corporate Personhood (<http://maps.google.com/maps?e=UTF&h=ar&area=0&msid=203433765370726385061000496ee26c8100014846d4e41376806-974737018&spz=23.81027679,013672&z=41>)

or (<http://maps.google.com/maps?e=UTF&h=ar&area=0&msid=203433765370726385061000496ee26c8100014846d4e41376806-974737018&spz=26.81327679,013672&z=41>) in a larger map. If you are working to pass a resolution in your community or through your organization, or if you know of a resolution that is not on our map, please contact us (<http://www.move-to-amend.org/contact?email=1&spz=41>).

Want to pass a resolution in your town or through your organization? Click here for our model resolution and other tools to get started! (<http://www.move-to-amend.org/2012/08/08/resources-resolutions-and-ordinances-how-to-pass-a-resolution/>).

Resolutions

Community Resolutions are Move to Amend's number one priority in 2011.

02/09/2012 - WI State Legislators Introduce Move to Amend Resolution (<http://www.move-to-amend.org/news/wi-state-legislators-introduce-move-to-amend-resolution/>)

02/08/2012 - Salt Lake City Move to Amend Launches Petition Drive for Ballot Resolution (<http://www.move-to-amend.org/news/salt-lake-city-move-to-amend-launches-petition-drive-ballot-resolution/>)

02/08/2012 - Corporate Personhood Headed to Ballot in Corvallis, Oregon (<http://www.move-to-amend.org/news/corporate-personhood-headed-ballot-corvallis-oregon/>)

01/18/2012 - Portland, ME City Council Passes Resolution Calling for Amendment (<http://www.move-to-amend.org/news/portland-me-city-council-passes-resolution-calling-amendment/>)

01/16/2012 - Portland OR City Council Unanimously Supports Call for Amendment (<http://www.move-to-amend.org/news/portland-or-city-council-unanimously-supports-call-amendment/>)

[01/04/2012 - NY City Council Calls for End to Corporate Personhood \(news/ny-city-council-calls-end-corporate-personhood\)](#)

[01/03/2012 - Pueblo, CO Commissioners Call for Constitutional Amendment in Support of Move to Amend \(news/pueblo-co-commissioners-call-constitutional-amendment-support-move-amend\)](#)

[01/02/2012 - Duluth City Council Takes Stand Against Corporate 'Personhood' \(news/duluth-city-council-takes-stand-against-corporate-%E2%80%99personhood%E2%80%99\)](#)

[12/06/2011 - Move to Amend LA Press Conference Following Historic Vote \(Video\) \(news/move-amend-la-press-conference-following-historic-vote-video\)](#)

[12/03/2011 - Vermont's Push to End Corporate Personhood \(news/vermonts-push-end-corporate-personhood\)](#)

[12/01/2011 - LOS ANGELES, CA: City Council to Vote on Resolution to End Corporate Personhood \(news/los-angeles-ca-city-council-vote-resolution-end-corporate-personhood\)](#)

Tuesday, December 6, 2011 - 9:30am - 12:00pm

[11/19/2011 - LOS ANGELES, CA: City Council Vote on Resolution to End Corporate Personhood \(events/los-angeles-ca-city-council-vote-resolution-end-corporate-personhood\)](#)

Sunday, November 20, 2011 - 2:00pm - 4:30pm

[11/18/2011 - LOS ANGELES: Move To Amend Mobilization Meeting for December 6 City Council Vote \(events/los-angeles-move-amend-mobilization-meeting-december-6-city-council-vote\)](#)

[11/02/2011 - Boulder Votes for a Constitutional Amendment to Abolish Corporate Personhood \(news/boulder-votes-constitutional-amendment-abolish-corporate-personhood\)](#)

[10/28/2011 - Move To Amend Los Angeles needs your help! \(news/move-amend-los-angeles-needs-your-help\)](#)

Wednesday, November 2, 2011 - 2:00pm - 3:00pm

[10/27/2011 - LOS ANGELES, CA: City Hall Hearing on Revoking Corporate Constitutional Rights \(events/los-angeles-ca-city-hall-hearing-revoking-corporate-constitutional-rights\)](#)

[09/29/2011 - BRINTON & SCHULTZ: Big Sky Populists Fight Back Against Big Corporate Money \(publications-talks/brinton-schultz-big-sky-populists-fight-back-against-big-corporate-money\)](#)

[09/25/2011 - TRUTHOUT: Local Resistance to Corporate Personhood Wages Crucial Battle \(publications-talks/truthout-local-resistance-corporate-personhood-wages-crucial-battle\)](#)

[09/23/2011 - ROTHSCHILD: Citizens Rise Up Against "Citizens United" \(publications-talks/rothschild-citizens-rise-against-citizens-united\)](#)

[09/20/2011 - TENNESSEE: By the People, For the People: Rally Against Corporations' Growing Power Set for Saturday \(news/tennessee-people-people-rally-against-corporations-growing-power-set-saturday\)](#)

Wednesday, September 21, 2011 - 6:30pm - 8:00pm

[09/19/2011 - TUCSON, AZ: Tucson United / Move to Amend Organizing Meeting \(events/tucson-az-tucson-united-move-amend-organizing-meeting\)](#)

Monday, September 26, 2011 - 5:30pm - 7:30pm

[09/19/2011 - BOULDER, CO: Yes on 2H Kick-Off Party \(events/boulder-co-yes-2h-kick-party\)](#)

Saturday, September 10, 2011 - 10:00am - Monday, November 7, 2011 - 10:00am

[09/14/2011 - WEST ALLIS, WI: Petition Drive to Get on the Ballot! \(events/west-allis-wi-petition-drive-get-ballot\)](#)

[09/14/2011 - Jamestown, CO Trustees Approve Resolution Against 'Corporate Personhood' \(news/jamestown-co-trustees-approve-resolution-against-corporate-personhood\)](#)

[08/20/2011 - Missoula City Council to Consider Placing Corporate Personhood Resolution on Ballot \(news/missoula-city-council-consider-placing-corporate-personhood-resolution-ballot\)](#)

[08/17/2011 - Boulder City Council Votes to Put Move to Amend Resolution on November Ballot \(news/boulder-city-council-votes-put-move-amend-resolution-november-ballot\)](#)

Tuesday, August 23, 2011 - 6:30pm - 8:30pm

[08/15/2011 - LAKEWOOD, OH: The Story of Citizens United vs. FEC: Educational and Organizing Meeting \(/events/lakewood-oh-story-citizens-united-vs-fec-educational-and-organizing-meeting\)](#)

[08/14/2011 - Boulder, Should Vote on Corporate Personhood \(/publications-talks/boulder-should-vote-corporate-personhood\)](#)

[08/11/2011 - Hartmann: Long Live the Oligarchy! & How to Fight Back With Move to Amend \(/news/hartmann-long-live-oligarchy-how-fight-back-move-amend\)](#)

Sunday, August 21, 2011 - 3:00pm - 5:00pm

[08/09/2011 - SALEM, OR: Open House for Marion Polk Move To Amend \(/events/salem-or-open-house-marion-polk-move-to-amend\)](#)

Monday, August 8, 2011 - 6:30pm - 8:30pm

[08/08/2011 - FEDERAL WAY, WA: Statewide Coalition Forming re: State Resolution \(/events/federal-way-wa-statewide-coalition-forming-re-state-resolution\)](#)

[07/28/2011 - Model Language for Ballot Initiative Resolutions \(/organizing-resources/model-language-ballot-initiative-resolutions\)](#)

[07/15/2011 - BOULDER WEEKLY: Say No to Corporate Personhood \(/news/boulder-weekly-say-no-corporate-personhood\)](#)

Tuesday, May 10, 2011 - 4:00pm - 5:15pm

[04/25/2011 - Local Action Webinar \(4pm PT /5pm MT/ 6pm CT/ 7pm ET\) REGISTRATION REQUIRED! \(/events/local-action-webinar-4pm-pt-5pm-mt-6pm-ct-7pm-et-registration-required-0\)](#)

[04/06/2011 - Madison and Dane County WI Voters Support Constitutional Amendment \(/news/madison-and-dane-county-wi-voters-support-constitutional-amendment\)](#)

[04/04/2011 - Local Action and Affiliation FAQs \(/organizing-resources/affiliate-faqs\)](#)

[03/29/2011 - Ft. Bragg, CA Passes Resolution in Support of Constitutional Amendment! \(/news/ft-bragg-ca-passes-resolution-support-constitutional-amendment\)](#)

[03/16/2011 - MINNESOTA: Bill Introduced to Amend State Constitution to Define 'Natural Persons' as Human Beings \(/news/minnesota-bill-introduced-amend-state-constitution-define-%E2%80%98natural-persons%E2%80%99-human-beings\)](#)

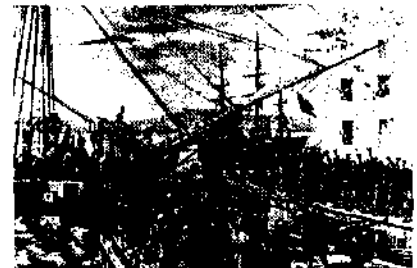
[03/03/2011 - RICHMOND, CA: City Council Votes to Adopt Resolution Calling for Constitutional Amendment to End Corporate Personhood \(/news/richmond-ca-city-council-votes-adopt-resolution-calling-constitutional-amendment-end-corporate-personhood\)](#)

[02/18/2011 - WA STATE: Introduces Resolution Calling for a Constitutional Amendment Against Corporate Personhood \(/news/wa-state-introduces-resolution-calling-constitutional-amendment-against-corporate-personhood\)](#)

[02/11/2011 - ORGANIZE: Democratic Revolutions Build Momentum with Local Resolutions \(/action/organize-democratic-revolutions-build-momentum-local-resolutions\)](#)

[01/22/2011 - VERMONT: Resolution Calling to Amend the Constitution Banning Corporate Personhood Introduced in State Legislature \(/news/vermont-resolution-calling-amend-constitution-banning-corporate-personhood-introduced-state-leg\)](#)

[09/01/2010 - Organize Your Town to Pass a Resolution to Legalize Democracy and Abolish Corporate Personhood \(/organizing-resources/organize-your-town-pass-resolution-legalize-democracy-and-abolish-corporate-personhood\)](#)



KT/5/MGR

609-03-05-12R-E-1^