

RESOLUTION NO. 12-072

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE APPROVING 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, 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 entities 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, 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 US 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 spending in the electoral process creates an unequal playing field and allows unlimited spending by wealthy individuals, corporations and other entities 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, the judicial interpretation to construe spending money in political campaigns as speech is contrary of the notion of one person, one vote and allows those with the most money to have an unfair advantage in a political system that should be about ensuring that all citizens have equal access to the political process and to influencing the outcome of elections, and;

WHEREAS, money is property, not speech, 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 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 US Constitution to Abolish Corporate Personhood and the doctrine of Money as Speech;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council of Pacific Grove hereby joins 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 the doctrine of Money as Speech and return our democracy, our elections, our communities to America's human persons and to thus claim our sovereign right to self-governance.

SECTION 2. that the City of Pacific Grove calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

SECTION 3. that the City of Pacific Grove 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.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 7th day of November, 2012, by the following vote:

AYES: Mayor Garcia and Councilmembers Cohen, Cuneo, Fischer, Huitt, and Kampe

NOES: Councilmember Miller

ABSENT: None

APPROVED:



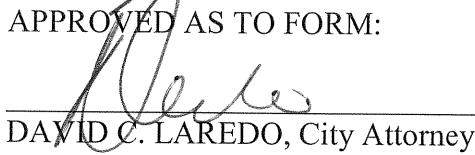
Carmelita Garcia
CARMELITA GARCIA, Mayor

ATTEST:



David Concepción, City Clerk

APPROVED AS TO FORM:



David C. Laredo, City Attorney





CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Bill Kampe and Councilmember Ken Cuneo

MEETING DATE: November 7, 2012

SUBJECT: Consider a resolution to support “Move to Amend” and Approving that Corporations are not People and Money is not Speech.

CEQA: Does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Approve the resolution approving that Corporations are not People and Money is not Speech.

DISCUSSION

In our current election season, we hear of very large sums of money pouring into campaigns. We now find that the voice of the individual citizen is overwhelmed by very wealthy organizations with a special interest in the outcome of elections to office and in the outcome of state and local initiatives.

The Supreme Court decision on Citizens United gave multi-billion dollar corporations the same rights of free speech as a citizen who is a natural person, based on the concept of Corporate Personhood. Many feel that the decision is an overextension of rights of corporations.

The idea of Corporate Personhood has an interesting background. It is described as a “legal fiction” (a term with specific meaning in the legal field). As corporations grew prominent in the days of the Industrial Revolution, it was necessary to extend the laws that governed interactions between natural persons to interactions among corporations and between natural persons and corporations. The simple way to do it was to consider a corporation a “person”. That fiction raises a fundamental question of whether all rights, privileges, and obligations of a natural person should apply to a corporation.

Move to Amend is a coalition dedicated to “...calling for an amendment to the US Constitution to unequivocally state that inalienable rights belong to human beings only, and that money is not a form of protected free speech under the First Amendment and can be regulated in political campaigns.”

On our local level, Pacific Grove has passed a campaign-financing ordinance that prohibits contributions from non-individuals for a candidate committee. However, our local ordinance is silent on funding for other types of committees that may be active in influencing elections in our city.

FISCAL IMPACT

None.

ATTACHMENT

1. Resolution

RESPECTFULLY SUBMITTED:

Bill Kampe

Bill Kampe
Councilmember

Ken Cuneo

Ken Cuneo
Councilmember

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PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this ____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

CARMELITA GARCIA, Mayor

ATTEST:

DAVID CONCEPCION, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney