

CITY COUNCIL
CONSENT CALENDAR

JANUARY 17, 2012

SUBJECT: SUPPORT U.S. CONSTITUTIONAL AMENDMENT TO END
CORPORATE "PERSONHOOD"

INITIATED BY: COUNCILMEMBER ABBE LAND
(Corri Planck, Council Deputy) 

COUNCILMEMBER JOHN HEILMAN 
(Fran Solomon, Council Deputy)

(Domenica Megerdichian, Council Intern)

STATEMENT ON THE SUBJECT:

The City Council will consider support for an amendment to the U.S. Constitution to end corporate "personhood" for purposes of campaign finance laws.

RECOMMENDATIONS:

- 1) Adopt Resolution No. 12-~~4258~~, "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD IN SUPPORT OF A U.S. CONSTITUTIONAL AMENDMENT TO END CORPORATE "PERSONHOOD".
- 2) Direct lobbyist to send letters of support to U.S. Senators Dianne Feinstein and Barbara Boxer, as well as U.S. Representatives Henry Waxman and Adam Schiff.

BACKGROUND AND ANALYSIS:

On January 21, 2010, the U.S. Supreme Court issued its opinion in Citizens United v. the Federal Election Commission (2010), a campaign finance case. In the case, the Supreme Court ruled that corporations have the same rights as natural persons, and are allowed to spend unlimited amounts to influence state and federal elections.

This opinion was contrary to previous Court decisions that limited corporate money in politics, as well as previous bans on corporate "independent expenditures". Corporate personhood is a status conferred upon corporations under the law, which allows them to have rights and responsibilities similar to

those of a natural person, but this has serious negative consequences for our democratic political system. The role of corporate money in democratic politics has proven to be much more powerful than that of ordinary individuals because of the great amount of wealth held by corporations. The decision in Citizens United granted corporations an unlimited right under the First Amendment to spend money to influence elections.

In response to this U.S. Supreme Court decision, a grass roots movement has emerged in support of an amendment to the U.S. Constitution in order to establish that only living persons, not corporations, are endowed with constitutional rights and that corporate political contributions should not be equated with the free speech rights of individuals.

The U.S. Constitution, written to protect real people, is not meant to give corporations unlimited power to influence elections. The decision in Citizens United does just that, as it erodes democracy by allowing corporate money to dominate the political process. This resolution supports an amendment to the U.S. Constitution in order to clearly establish that only living persons, not corporations, are endowed with constitutional rights and that corporate political contributions are not the same as free speech.

This resolution supports the work of national grassroots coalitions such as Move to Amend—a project of the Campaign to Legalize Democracy-- and Alliance for Democracy, by ending corporate personhood. The resolution will call on Congress to amend the Constitution in order to reverse the decisions in Citizens United.

Support of this resolution is consistent with the City of West Hollywood's commitment to a democratic system as a local government municipality. This resolution underscores the importance of protecting individual democratic freedoms, and recognizes the disservice and consequences of allotting rights and powers to corporations by entrenching them with "personhood" and the rights communicated through the most recent U.S. Supreme Court rulings.

EVALUATION:

Staff will track the progress of the support of a U.S. Constitutional amendment to end corporate "personhood" and report back to Council on any developments and updates on the issue.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A

CONFORMANCE WITH VISION 2020:

This item is consistent with West Hollywood's Core Value of Respect and Support of People.

OFFICE OF PRIMARY RESPONSIBILITY:

Office of Councilmember Abbe Land, Office of Councilmember John Heilman.

FISCAL IMPACT:

None

RESOLUTION NO. 12-NNNN

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST HOLLYWOOD IN SUPPORT OF A
U.S. CONSTITUTIONAL AMENDMENT TO END
CORPORATE "PERSONHOOD"

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES
HEREBY RESOLVE AS FOLLOWS:

WHEREAS, government of, by, and for the people has long been a cherished American value, and citizens of the United States have the 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, corporations are entirely human-made legal fictions created by express permission of We The People and our government; 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, 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, the recent *Citizens United v. the Federal Election Commission* Supreme Court decision that allows unlimited corporate spending in the electoral process creates an unequal playing field and compromises the democratic political process by designating that money is free speech, undermining the free and fair elections that are essential to democracy and effective self-governance; 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:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of West Hollywood hereby supports the Move to Amend campaign to call for an Amendment to the U.S. Constitution to abolish Corporate Personhood.