

RESOLUTION NO. 14-11

RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, TO FREE DEMOCRACY FROM CORPORATE CONTROL

WHEREAS, historically corporations were created as artificial entities that were subordinate to our democracy, yet the U.S. Supreme Court has granted corporations personhood status, free speech and other protections guaranteed to living humans by the Bill of Rights and the 14th Amendment, the Richmond City Council considers it to be our right and duty to assert that corporations are not natural persons with human rights but artificial entities created by our government; and

WHEREAS, although corporations have made important contributions to society, they may exist simultaneously in many nations, use court granted "corporate rights" to have laws and regulations that protect people weakened or overturned, put profit, by law, ahead of any other concern, and use money derived from consumers and employees to lobby for statutes that endanger democracy, human values, and ecological survival; and

WHEREAS, the U.S. Supreme Court's 2010 ruling in *Citizens United v. the Federal Election Commission* further threatens our democracy by rolling back limits on corporate spending in electoral campaigns, allowing torrents of corporate money to drown out the voices of "We the People"; and

WHEREAS, Justice Stevens, in dissent of *Citizens United*, was compelled to state the obvious when he stated: ". . . corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their "personhood" often serves as a useful legal fiction. But they are not themselves members of "We the People" by whom and for whom our Constitution was established."

WHEREAS, a *Washington Post*-ABC News poll found that 80% of Americans oppose that January 21, 2010 ruling, and a Harris poll found that 87% think big companies have too much influence in Washington; and

WHEREAS, U.S. Senate Judiciary Committee Chair Patrick Leahy stated that the ruling "will allow major corporations - who should have law written to control their effect on America - to instead control America;" and former Republican senator Warren Rudman wrote, "Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution, and free speech can hardly be called free when only the rich are heard;" and Senator Chris Dodd pointed out that "money is not speech," that "corporations are not people" and that "a constitutional amendment is necessary to fully restore the trust and voice of the American people;" and

WHEREAS, when freedom to speak is equated with freedom to spend money, millions of people who have less money are disenfranchised, thus denying their full rights to free speech;

THEREFORE, BE IT RESOLVED, that the Richmond City Council calls for freeing democracy from corporate control by amending the U.S. Constitution to establish that:

1. Corporations are not natural persons and not entitled to constitutional rights.
2. Money is not speech.

BE IT FURTHER RESOLVED, that the Richmond City Council requests that our elected representatives introduce a constitutional amendment that contains both of these principles, or introduce motions to include these principles in related constitutional amendments (U.S.H.J. Res. 74, U.S.S.J. Res. 28, California H.J.Res. 3.)

BE IT FURTHER RESOLVED, that the Richmond City Council calls on others to join the movement to amend the U.S. Constitution in actions that defend our right to self-governance.

BE IT FINALLY RESOLVED, that the Richmond City Council directs the City Manager to have this Resolution posted on our web site and send it to our elected representative, Congressman George Miller, and other pertinent national and state officials including Senate Judiciary Committee Chair Patrick Leahy, House Judiciary Committee Ranking Member John Conyers, U.S. Senators Chris Dodd and Tom Udall, U.S. Congresswoman Donna Edwards, California Senator Loni Hancock and Assembly Member Pedro Nava, the League of California Cities, and all local media outlets.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond, California at a joint meeting thereof held March 1, 2011, by the following vote:

AYES: Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Bates.

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 14-11**, finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on March 1, 2011.