



Kriss Worthington

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CONSENT CALENDAR

April 29, 2014

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington
 Councilmember Darryl Moore
 Councilmember Jesse Arreguin

Subject: Supporting CALPIRG's Proposed November City Ballot Measure to End Corporate Personhood

RECOMMENDATION

Adopt a Resolution to begin consideration of placing a measure on the November 4, 2014 election ballot asking whether the people of Berkeley support a constitutional amendment to abolish corporate personhood and the doctrine of money as speech, thereby allowing voters to express their opinion on the proposition.

BACKGROUND

California Public Interest Group (CALPIRG) has requested that the City Council place a measure on the November 4, 2014 election ballot asking whether the people of Berkeley support a constitutional amendment to abolish corporate personhood and the doctrine of money as speech, allowing voters to express their opinion on the proposition.

Tens of thousands of people and over two hundred municipalities across the nation have joined the campaign for an Amendment to the US Constitution to end recognition of corporations as people, suggesting a strong precedent for this course of action. According to Move to Amend's website, 34 states and 140 city groups within those states support this amendment (see <https://movetoamend.org/affiliates-list>)

On June 1, 2004 and April 27, 2010, Berkeley City Council passed a Resolution of Corporate Constitutional Rights, stating that the framers of the American Constitution had no intention of granting corporations personhood status and that the City of Berkeley recognizes its duty to acknowledge that corporations remain artificial entities. Putting this measure on the ballot would fall in line with the Council's past actions.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals. If the ballot measure wins and builds enough support to change the law, corporate polluters would be less able to stifle environmental policies.

FISCAL IMPLICATIONS:

Estimated at \$9,000

CONTACT PERSON:

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Audrey Oh & Randy Tran, Interns District 7, 510-7170

Attachment:

1. Resolution to Eliminate Corporate Personhood

RESOLUTION NO. ##,###-N.S.

ELIMINATE CORPORATE PERSONHOOD

WHEREAS, corporations are entirely human-made legal fictions created however, 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, 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 reduced the legal limits on spending in the electoral process 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, money is property, not speech, and 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, on June 15, 2004 and April 27, 2010, Berkeley City Council passed a Resolution of Corporate Constitutional Rights, stating that the framers of the American Constitution had no intention of granting corporations personhood status and that the City of Berkeley recognizes its duty to acknowledge that corporations remain artificial entities; and

WHEREAS, tens of thousands of people and over two hundred municipalities across the nation are joining with the campaign to call for an Amendment to the US Constitution to Abolish Corporate Personhood and the doctrine of Money as Speech.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby calls on our elected officials to call for an Amendment to the Constitution to Abolish Corporate Personhood and the doctrine of Money as Speech.

BE IT FURTHER RESOLVED that the City of Berkeley 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.

BE IT FURTHER RESOLVED that the City of Berkeley shall begin consideration of placing on the November 4, 2014 election ballot the question of whether the people of Berkeley support a Constitutional Amendment to Abolish Corporate Personhood and the doctrine of Money as Speech and allow voters to express their opinion on the proposition.