

MINUTES

The meeting convened at 7:11 pm with Chairperson Leslieann Cachola presiding.

ROLL CALL

Present: Donald Brody, Leslieann Cachola, Elliot Cohen, Steven Freedkin, John Lavine, Jane Litman, Rita Maran, Mark McDonald, Thom Seaton, Michael Sherman, PhoeBe ANNE (sorgen), Anne Wagley

Absent: Jesse Gabriel, Jamie Wright

COMMENTS FROM THE PUBLIC

1. Diana Bohn, Campaign for Labor Rights, 50 Years is Enough, regarding the corporate power resolution: National People's Constitutional Rights over For-Profit Corporations.
2. Ann Fagen Ginger, Meiklejohn Civil Liberties Institute, regarding cities acting on national and international issues including corporations.
3. Carolyn Scarr regarding item 8 – corporations.
4. Dr. Helene Knox to speak against "corporate personhood".
5. Richard Challacombe regarding corporation personhood.
6. Frances Hillyard regarding corporate accountability.
7. Jeffrey Kaplan regarding corporate accountability and rights of corporations.
8. Jan Edwards, Women's International League for Peace and Freedom, regarding corporate personhood resolution.
9. Sally Francis regarding corporate personhood.
10. Michael Sorgen, civil rights attorney, on limiting corporate rights.
11. Cynthia Johnson, Berkeley Fellowship Social Justice Committee, regarding corporate personhood.
12. Nancy Price, Alliance for Democracy, regarding Section C: Old Business Item 8.
13. Kirsten Lambertsen, California Center for Community Democracy, regarding corporate personhood resolution.
14. Mark Acbar, director of "the Corporation" documentary, regarding corporate personhood resolution.
15. Ted Nace, Peach Pit Press and author of "Gangs of America", regarding corporate personhood resolution.
16. Elena DuCharme, California Center for Community Democracy, regarding corporate personhood resolution.
17. Hal Carlstad, Unitarian Fellowship Social Justice Committee, regarding corporate personhood.
18. John Morton, Green Party (Alameda County/California), regarding the resolution on corporate rights.
19. Margot Smith, Gray Panthers, regarding corporations.

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20. Lee Lawrence, Pacific Central District – UU Social Justice, regarding corporate resolution.
21. Victoria Ashley, Unitarian Fellowship Social Justice Committee, regarding corporate resolution.

ACTION ON MINUTES

M/S/C (*sorgen, Lavine*) to approve the minutes for the regular meeting of March 1, 2004 with corrections. **Ayes:** Brody, Cachola, Cohen, Freedkin, Lavine, Litman, Maran, McDonald, Seaton, Sherman, sorgen; **Noes:** None; **Abstain:** Wagley; **Absent:** Gabriel, Wright.

Commissioner Wagley abstained from the vote because he was not present for the March 2004 meeting.

ACTIONS TAKEN

Agenda Order

M/S/C (*Cohen, McDonald*) to reorder the agenda to move agenda items 8 and 16 to the top and then go through the remainder of the agenda in order. **Ayes:** Brody, Cohen, Freedkin, Lavine, Maran, McDonald, Sherman, sorgen, Wagley; **Noes:** Cachola, Litman, Seaton; **Absent:** Gabriel, Wright.

Resolution on Corporate Constitutional Rights

M/S/C (*sorgen, Freedkin*) to recommend that the City Council adopt the attached Resolution with regard to supporting an amendment to the United States and California Constitutions to declare that corporations are not granted the protections or rights of persons, and to declare that the expenditure of corporate money is not a form of constitutionally protected speech; and that the City Council directs the City Manager to send a copy of this Resolution to our state and federal government representatives including: Governor Arnold Schwarzenegger, Majority and Minority Leaders of the California Senate Don Perata and James Brulte, California Assemblymember Loni Hancock, United States Senators Barbara Boxer and Dianne Feinstein, and United States Representative Barbara Lee. **Ayes:** Brody, Cachola, Cohen, Freedkin, Lavine, Litman, Maran, McDonald, Sherman, sorgen, Wagley; **Noes:** Seaton; **Abstain:** None; **Absent:** Gabriel, Wright.

Agenda Order

M/S/C (*Litman, sorgen*) to reorder the agenda to move agenda items 6 and 16 to the top and then go through the remainder of the agenda in order. **Ayes:** Brody, Cachola, Cohen, Freedkin, Lavine, Litman, Maran, McDonald, Sherman, Wagley; **Noes:** Seaton; **Abstain:** sorgen; **Absent:** Gabriel, Wright.

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Commission Activities & Possible Reductions in Number of Meetings & Consolidation

M/S/C (*Cohen, McDonald*) to approve the following comments with regard to the staff report on Commission activities and possible reductions in number of meetings and consolidation:

The Peace and Justice Commission recognizes the serious budget crisis facing the City. However, the proposal to reduce the number of meetings of this Commission is unlikely to have a meaningful effect on the budget, and will negatively impact the democratic process in this City. The Peace and Justice Commission opposes the proposal.

It is not necessarily the case that cutting commission meetings will automatically result in savings on secretary staff time. The Peace and Justice Commission's secretary is salaried, and therefore, does not get paid extra for working additional hours. City Council should examine which commission secretaries are salaried, and therefore are not paid more for staffing their commissions, and whether reducing their commission staff loads means that they will work correspondingly more on other job duties or simply reduce the number of extra unpaid hours they contribute to the City.

The Peace and Justice Commission often deals with time-sensitive current events that cannot wait for two months.

Commissions offer a major opportunity for citizens to have their say. At regular City Council meetings, often dozens of people would like to speak, but only ten citizens are selected by lottery. At Peace and Justice Commission meetings, anybody who wants to speak is able to. The ability to speak before commissions, therefore, is the only guaranteed way a citizen has of directly addressing city government in a public venue. Reducing citizen input at a time when the City is making crucial decisions, including budget cutbacks, will lead to much greater conflict as Berkeleyans are forced to seek other avenues for being heard.

Often, citizens start by bringing their concerns directly to Council, and are then referred by Council to us. Our members work with these citizens to vet, flesh out, and document their proposals. By preparing well-crafted proposals, the Commission saves staff and Council many hours of work.

In addition to contributing hundreds of hours of volunteer work that may otherwise have to be done by paid City staff, the Peace and Justice Commission also adds to the City's store of expertise. The Commission counts among its members many highly trained professionals, including several attorneys and international-law experts.

We appreciate the opportunity to comment on this proposal.

Ayes: Unanimous; **Absent:** Gabriel, Wright.

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NEXT MEETING

The next regular meeting will be on Monday, June 7, 2004 at 7:00 pm in the North Berkeley Senior Center.

The meeting was adjourned at 10:09 pm.

Respectfully submitted,

Manuel Hector Jr., Secretary

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RESOLUTION ON CORPORATE CONSTITUTIONAL RIGHTS

**SUPPORTING AN AMENDMENT TO THE UNITED STATES AND CALIFORNIA
CONSTITUTIONS TO DECLARE THAT CORPORATIONS ARE NOT GRANTED THE
PROTECTIONS OR RIGHTS OF PERSONS**

WHEREAS, Chapter 3.68 of the Berkeley Municipal Code, which contains the initiative ordinance creating the Peace and Justice Commission, sets forth several functions of the Peace and Justice Commission, including, but not limited to, “(A) Advise the Berkeley City Council on all matters relating to the City of Berkeley’s role in issues of peace and social justice, including, but not limited to support for human rights and self-determination throughout the world; (B) Help create citizen awareness around issues of social justice [and] (C) Help develop proposals for the City Council in furtherance of the goals of peace and justice, and help publicize such actions in the community;” and

WHEREAS, under the United States and California Constitutions, all sovereignty resides with "We the People," such that people hold all inherent political power and government derives its power from the consent of the governed; government is created by the people and for the people for our health, safety, and welfare; our system of government is a representative democracy, through which the people govern; and “We the People” are entitled to inalienable constitutional rights to wield against oppressive governmental regulation; and

WHEREAS, “corporation” is not mentioned in the United States Constitution; our founders did not grant corporations rights; rights were reserved for natural people; historically corporations were created as artificial entities, chartered by state governments to serve the public interest, cause no harm, and be subordinate to the sovereign people; and yet by judicial interpretations, corporations gained personhood status, free speech and other protections guaranteed by the Bill of Rights and the 14th Amendment; and

WHEREAS, with “corporate personhood” and First Amendment rights, corporations dominate the political process and interfere with citizens’ control over our government as follows: corporations lobby our legislative and regulatory bodies; with the Supreme Court’s assertion that money is a form of free speech, corporations spend vast amounts of money to influence elections; and by virtue of their enormous wealth, corporations wield much more influence over our government and over the media than do “We the People”; and

WHEREAS, this corporate influence is transforming our government from one that is “by and for the people” to one that is by and for corporate interests; corporate influence over our government denies citizens our right to govern through a representative democracy and subjects us to minority rule by the wealthy few; and corporate influence has made it difficult to maintain a living wage, a clean environment, affordable health care, and quality education for all; and

WHEREAS, the citizens of the City of Berkeley consider it to be our sovereign right and civic duty to recognize that corporations remain artificial entities created by the people through our state legislatures; hope to nurture and expand democracy in Berkeley and in our nation; and

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reject the concept of corporate constitutional rights based on “corporate personhood” or any other factor.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley supports amending the United States and California Constitutions to declare that corporations are not granted the protections or rights of persons, and supports amending the United States and California Constitutions to declare that the expenditure of corporate money is not a form of constitutionally protected speech.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager to send a copy of this Resolution to our state and federal government representatives including: Governor Arnold Schwarzenegger, Majority and Minority Leaders of the California Senate Don Perata and James Brulte, California Assemblymember Loni Hancock, United States Senators Barbara Boxer and Dianne Feinstein, and United States Representative Barbara Lee.