

My name is Jeff Stookey, speaking for Move To Amend Portland.

Corporate personhood may seem an abstract and distant issue--the concern of faraway Supreme Court justices, Wall Street board rooms, and DC political wonks.

But I believe this is very much a local issue. Multinational corporations have become so powerful that they affect every aspect of our lives: what we eat and drink, how we care for our health, how we communicate, what information we receive, how we get from place to place, even what laws we are subject to. This vast corporate power is largely based on the concept of corporate personhood.

When the citizens of Boston threw tea into their harbor in 1773, they were protesting against the British East India Company--a corporation chartered by the British crown and given a monopoly on tea. The corporation had over-extended itself, involved itself in foreign wars, and was badly hurt by the 1770 famine in India. To avoid bankruptcy, it lobbied the British Parliament to forgive its duty on tea that was re-exported to the colonies and, to make up for the lost revenue, Parliament taxed the American colonists for the tea. I hope bells of recognition are going off in heads all over the room. I believe it is no accident that there are many parallels between the British East India Company and current affairs.

In the recent West Coast port shut-downs, the Occupy Movement was acting very much in the spirit of those Boston patriots who disrupted global marine trade.

Today Walmart imports many cheap products from the Far East to stock the shelves of its local big box stores. This in turn undercuts many local businesses--driving them out of business, taking earnings away from the local economy, and affecting the local tax base. When local citizens raise an outcry and organize to prevent Walmart from moving into their neighborhoods, this corporate giant cries foul and cites the 14th Amendment to the US Constitution. On what grounds? Corporate personhood. Because the courts consider it a person, Walmart claims that local residents cannot discriminate against it--just as local residents cannot discriminate against African Americans and prevent them from moving into a neighborhood. The irony is that the legal basis for corporate personhood is the 14th Amendment--intended to protect freed slaves after the Civil War--a law that was used by large railroad corporations in the late 1800's to influence the Supreme Court to begin granting corporations the rights of people.

Because We the American People need to form a more perfect union, I ask the Portland City Council to

1) pass a resolution consistent with suggestions provided by Alliance for Democracy & Move to Amend Portland,

and

2) refer to Portland voters the question of whether We the People of this city believe that our US Constitution should be amended to clearly state that corporations are not persons and that money does not equal political speech.

Thank you.

Proposed language for the Portland, Oregon, City Council Resolution:

Establish as a position of the Portland City Council that corporations should not receive **any of the constitutional rights that natural, flesh-and-blood persons have**, that money is not speech, and independent expenditures should be regulated.

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings ("natural persons"); and,

WHEREAS, corporations can and do make important contributions to our society, but the City Council does not consider them natural persons; and,

WHEREAS, the right to free speech is a fundamental freedom and unalienable right and free and fair elections are essential to democracy and effective self-governance; and,

WHEREAS, United States Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and,

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that a limitation on the amount of money a supporter could contribute to a campaign or candidate was not the same as a limitation on that supporter's freedom of speech; and,

WHEREAS, the United States Supreme Court in *Buckley* overturned limits on independent expenditures because the corruption or perception of corruption rationale was only applicable to direct contributions to candidates; and,

WHEREAS, United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech,"; and,

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporations political ideas"; and

WHEREAS, the United States Supreme Court in *Citizens United v. the Federal Election Commission* (2010) reversed the decision in *Austin*, and rolled back legal limits on corporate spending in the electoral process allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and,

WHEREAS, prior to the *Citizens United* decision unlimited independent expenditures could be made by individuals and through political action committees, though such committees did operate under contribution limits; and,

WHEREAS, because the Citizens United decision “rejected the argument that political speech of corporations or other associations should be treated differently” because the First Amendment “generally prohibits the suppression of political speech based on the speaker’s identity,” there is a need to broaden the corruption rationale for campaign finance reform to facilitate regulation of independent expenditures regardless of the source of the money for this spending, for or against a candidate; and,

WHEREAS, a February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court Citizens United ruling; and,

WHEREAS, the opinion of the four dissenting justices in Citizens United noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and,

WHEREAS, although addressing corporate personhood alone is not enough to address the Citizens United decision, action is also needed on this topic because though corporations can make important contributions to our society, they are not natural persons; and,

WHEREAS, corporations are legally required to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as natural persons balance their narrow self-interest and broader public interest when making political decisions.

[eliminate the last WHEREAS statement]

NOW, THEREFORE, BE IT RESOLVED that it is the position of the Portland City Council that corporations should not receive **any of the constitutional rights that natural, flesh-and-blood persons have** and that money is not speech and independent expenditures should be regulated; and,

BE IT FURTHER RESOLVED that the City of Portland hereby includes in its 2012 Federal Legislative Agenda support for efforts to pass an Amendment to the United States Constitution related to campaign finance reform **and overriding US Supreme Court decisions which have granted human rights to corporations**; and respectfully urges Oregon's congressional delegation to prioritize congressional proposal of an amendment **like that provided by Move to Amend** to the United States Constitution addressing the threats to representative government identified in this resolution so that the states may ratify it; and,

BE IT FURTHER RESOLVED that the City of Portland calls on Portlanders, other communities and jurisdictions and organizations like the U.S. Conference of Mayors and National League of Cities to join with us in this action by passing similar Resolutions.

Move to Amend Portland has proposed that we vote on this referral:

- RESOLVED, the People of the City of Portland, Oregon, call for amending the United States Constitution to establish that:
- 1. Only human beings, not corporations, are entitled to constitutional rights, and
- 2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

The proposed Move to Amend amendment reads:

- Section 1 [A corporation is not a person and can be regulated]
- The rights protected by the Constitution of the United States are the rights of natural persons only.
- Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State, or local law.
- The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.
- Section 2 [Money is not speech and can be regulated]
- Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.
- Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.
- The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.
- Section 3
- Nothing contained in this amendment shall be construed to abridge the freedom of the press.

**PORTLAND CITY COUNCIL
COMMUNICATION REQUEST
Wednesday Council Meeting 9:30 AM**

AUDITOR 12/07/11 AM10:43

Council Meeting Date: Jan. 4, 2012

Today's Date 12-07-2011

Name Jeff Stookey

Address 3656 NE Wasco St. PDX 97232

Telephone 503-232-6867 Email jstookey108@gmail.com

Reason for the request:

To address the city council regarding
referring to the Portland voters a resolution
stating that corporations are not people and
money is not speech & the US constitution should
be amended to acknowledge these issues.

Jeffrey Stookey
(signed)

- Give your request to the Council Clerk's office by Thursday at 5:00 pm to sign up for the following Wednesday Meeting. Holiday deadline schedule is Wednesday at 5:00 pm. (See contact information below.)
- You will be placed on the Wednesday Agenda as a "Communication." Communications are the first item on the Agenda and are taken promptly at 9:30 a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting.

Thank you for being an active participant in your City government.

Contact Information:

Karla Moore-Love, City Council Clerk
1221 SW 4th Ave, Room 140
Portland, OR 97204-1900
(503) 823-4086 Fax (503) 823-4571
email: Karla.Moore-Love@portlandoregon.gov

Sue Parsons, Council Clerk Assistant
1221 SW 4th Ave., Room 140
Portland, OR 97204-1900
(503) 823-4085 Fax (503) 823-4571
email: Susan.Parsons@portlandoregon.gov

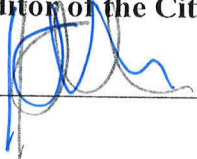
Request of Jeff Stookey to address Council regarding referring to the Portland voters a resolution that corporations are not people, money is not speech and the U.S. Constitution should be amended (Communication)

JAN 04 2012

PLACED ON FILE

Filed DEC 29 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By 

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Leonard		
Adams		