

CORPORATE PERSONHOOD

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ David Delk ^{Alliance for Democracy}	112 NE 45 th Ave PORTLAND 97213	DAVIDAFD@YMAIL.COM
✓ John Springer ^{Occupy PDX}	Occupy Portland Solutions Committee	
✓ Janice Thompson, ^{Common Cause}	Common Cause Oregon	
✓ Susan Rankin ^{Occupy Portland}	5721 SW Nebraska St. Portland 97221	achalihall@yahoo.com
^{NO TESTIMONY} Kirsten Davis ^{Move to Amend}	5440 NE Sandywest Ter. #4 PDX 97213	isabeast@gmail.com
✓ Jeff Stookey	3656 NE Wasco St. Portland OR 97232	jstookey108@gmail.com
✓ Karen ^{Coulter} Coulter	8939 N. Van Houten Ave. Portland OR	(541) 385-9167 voice mail
✓ JOE WALSH	7348 SE Division ST	
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✓ KERRY PARKER	P.O. Box 13503 PDX 97213	
✓ Richard Wood	1129 N. Bryant St. PDX 97217	Richewood@gmail

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✓ Andrew Stone	1003 NE WYFANT 97211	solstice810@gmail
✓ Devon Pack	13450 NE Sandy Blvd NE Portland	devo.pack@gmail.com
✓ Becky Straus	ACLU - OR	bstraus@aclu-or.org
✓ Candace Morgan	707 SW Dalph ST 97219	cd-cf-morgan@msn.com
✓ Stephen Quirke	11640 SW Boones Ferry. PDX OR	Stephen.Quirke@no.edu
✓ Heidi Sackos	16876 SW Canby Ct. 97230	hsackos@pdx.edu
✓ Anna Joy Gillis	4626 SE Clinton #52, Portland, OR, 97206	annajoygillis@gmail.com
✓ Nicholas Caleb	3265 NE Rosa Parks St. 97211	nich.caleb@gmail.com
Bea Kohnle	1400 NE 2nd Ave - PDS	97232
✓ Pam Allee	7425 N Portsmouth Ave, 97203	biljrat@spiretech.com
Heidi Sackos	16876 SW Canby Ct. 97230	hsackos@pdx.edu

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✓ Zachary Brugman	930 NW 25 th Pl. # 418 Portland, OR 97210	zbrugman@gmail.com
✓ Cyd Manro	4124 SE Carothers St Pdx, OR 97214	cyd@eco-munity.com
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✓ Brian Setzler	2309 SW 10 th #1342 97201	Brian.Setzler.CPA@gmail.com
✓ Roger WEIDNER	3526 S.E. Franklin P.O. 97202	
✓ Richard Gill		

Mr. Mayor, distinguished members of the City Council, Occupy Portland (specifically the policy solutions committee), and responsible citizens who are here and who couldn't be here today, thank you one and all for your considerable efforts on the behalf of living, breathing persons. I am so thankful to have a Mayor championing the constitutional rights of natural persons and calling attention to the fact that those rights are being usurped by corporations. This non-binding resolution is an important first step to call attention to corporations having more rights than natural persons. This resolution builds awareness and support for the next step, underway right now. That step is to draft a City Ordinance that enshrines the rights of natural persons, denounces the rights of corporations, and ensures that living, breathing humans have a say in their own government as the sovereign people. This ordinance language will come from the work of CELDF.org who have created a template from similar ordinances they helped get passed in over 130 townships and cities across America. I urge the City Council to adopt this resolution as it is written. I further urge the City Council to support a binding City Ordinance that protects the constitutional rights of natural persons, and ensures that power flows from we, the sovereign people, and not from legal fictions. Thank you.

Sincerely,

Cyd Manro

cyd@eco-munity.com

Community Rights Action Group

Good afternoon, my name is AnnaJoy Gillis. You may perhaps be troubled by whether or not a local City council has the authority to pass a resolution dismissing a federal Supreme Court case. I'm here to testify as to the reasons that this upside down federalism is in fact justified and also imperative. In *Citizens United v. FEC* a five justice majority issued a sweeping ruling on a narrow case, ignoring *stare decisis* and drowning our democracy in corporate money. The original question of whether a non-profit could air a TV movie less than 30 days before the election, was answered by allowing for-profit corporations, non-profits, and labor unions no limit to political spending. The Supreme Court overstepped their bounds. To address the concerns of the previous ACLU lobbyist, it was the the Supreme court who basically amended the first amendment. Their unconstitutional judicial activism and ignorance of the law means that it is our duty to step up.

The basic premise of *Citizens United* is the proposition that the first amendment bars regulatory distinctions based on a speaker's identity, including its "identity" as a corporation. This is utterly false. First amendment rights can be regulated when the government has a compelling interest to do so as seen with prisoners and school children. In *Bethel School Dist. No. 403 v. Fraser* the court asserted, "Differential treatment is constitutionally suspect unless justified by some *special characteristic* of the regulated class of speakers, and that the constitutional rights of certain categories of speakers, in certain contexts, are not automatically coextensive with the rights that are normally accorded to members of our society." (emphasis added)

Let me expand on some of the *special characteristics* of corporations that differentiate them from individuals. Corporations have limited liability, perpetual life, and vast assets that can be foreign controlled. When a corporation "speaks" by contributing millions to a superPAC, who are they speaking for? Why give this profit driven entity the power to influence political decisions? Imagine trying to fit General Electric into a voting booth. Corporations can't vote. They are not people. Corporate personhood is a invidious fiction that disenfranchises us. In Justice Steven's dissent to *Citizens United* he states, "When citizens turn on their televisions and radios before an election and hear only corporate electioneering, they may lose faith in their capacity, as citizens, to influence public policy. A Government captured by corporate interests, they may come to believe, will be neither responsive to their needs nor willing to give their views a fair hearing." Thank you for *this* hearing. Please pass resolution 49.

1-12-12



36897

January 11, 2012

Mayor Sam Adams
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman
1221 SW 4th Avenue
Portland, OR 97204

Dear Mayor Adams & Commissioners:

I am writing to comment on the draft Resolution, designated as Item No. 49 on the Council's agenda for January 12, 2012, that would urge Oregon's Congressional delegation to prioritize congressional approval of a constitutional amendment to reverse almost forty years of decisions by the U.S. Supreme Court regarding the regulation of political campaigns. The ACLU of Oregon strongly opposes the Resolution because it urges amendments that, if successful, would mark the first occasion in our nation's history that the constitution has been amended to weaken the First Amendment.

We do agree with the proponents of this Resolution that protecting the integrity of the electoral process is essential to the maintenance of a free society, including the ability of our society to defend cherished civil liberties like free expression. However, the ACLU of Oregon believes that meaningful reform of campaign finances can only be accomplished through a combination of public financing of candidate campaigns and strong disclosure requirements for all significant contributions and expenditures – not by undermining the First Amendment.

As with any controversial decision, the Supreme Court's decision in *Citizens United* has been met with outrage by many. We, too, were upset by the Court's action to use that case to reach out and decide issues that had not been argued by any of the parties to the case.

This is not the first Supreme Court decision that has resulted in calls to amend the constitution and weaken the First Amendment, nor will it be the last. Some still advocate for constitutional amendments to permit government-sponsored prayer and to prohibit burning a flag for the "wrong" reasons. No matter how frustrated the public may be with the Supreme Court or with any particular opinion of the Court, we believe you should

resist calls that would weaken and undermine the First Amendment and the Bill of Rights.

It is also important to note that the specific constitutional amendments referred to in the Council Resolution go far beyond merely addressing the issue of corporate personhood that was the basis for the decision in *Citizens United*. Both S. J. Res. 29 and H. J. Res. 72 would have the effect of overturning every U.S. Supreme Court decision regarding campaign finance since *Buckley v. Valeo* in 1976.

Most of the worst problems we are currently experiencing in the financing of federal elections have not been the result of U.S. Supreme Court decisions, but instead have been the unintended results of "reforms" approved by Congress. Giving Congress more authority to restrict political expression is extremely unlikely to result in laws that would level the playing field.

In addition, the language of both proposed constitutional amendments is so sweeping that they also could have the effect of nullifying the actions of Oregon voters in rejecting proposed amendments to the Oregon Constitution. In 2006, Oregon voters were asked to approve an amendment that would have weakened the Oregon free expression clause to permit restrictions on campaign contributions and expenditures. Measure 46 was rejected by voters by a margin of 60% to 40% - both in Multnomah County and statewide.

We hope that upon reflection you will understand that one recent unpopular decision of the U.S. Supreme Court should not be used as the basis to approve a resolution that would greatly weaken the core protection of political expression contained in the First Amendment of the U.S. Constitution and in the Oregon Bill of Rights.

We strongly urge you to reject the proposed Council Resolution. Thank you for your consideration of our perspective.

Sincerely,


David Fidanque
Executive Director


Becky Straus
Legislative Director

Subject: Testimony to the Portland City Council related to so-called corporate personhood, January 12, 2012

Taking a position that that corporations should not receive the same legal rights as natural persons do, that money from these corporations is not speech and that independent expenditures should be regulated; then not applying the same standard to other organizations is a bias form of censorship.

The overriding intent of this anti-business resolution appears to be to outlaw one side of a conversation while being in favor of allowing the endorsed side to continue as the only conversation – the side this administration agrees with. Such a track record already exists - be it opposing a debate by the opposite party, or by not making a place at the table for motorist specific representation on PBOT advisory committees. Free speech that incorporates a difference of opinion as part of the official process, or is in direct opposition to the control mindset and preconceived special interest agendas is already being suppressed by the city through the vetting of commissions and committees..

Just like organizations are comprised of a group of people; corporations have employees that are people, stockholders that are people, and some of those stockholders are people that include retirees on fixed incomes. The stockholders also include people represented in both public and private sector pension plans.

If corporations are stripped of the their so-called personhood rights, then so must high profile well funded organizations such as The Sierra Club and The 1000 Friends of Oregon. Money from these organizations should not be viewed as free speech either. Creating restrictions just for opposing views is hypocritical. Equity requires any regulation must be applied across the board. If you choose to pass this resolution, the wording needs to be amended to include "corporations and other (defined) organizations".

Moreover, if there is a need for a constitutional amendment, it would be to stop the Federal Government, or even the City of Portland from handing out taxpayer dollars to special interest groups - like to the Surface Transportation Policy Project (STPP) which the EPA funds, or the BTA here in Portland which receives money from the City - and then have these types of groups come back with paid lobbyists, hawking their special interest agendas to elected officials, as part of what has become a taxpayer funded political machine.

Buying a lobby effort with taxpayer dollars is a corrupt assault on what a democracy should be. The behavior is a stench from the past when smoke filled back room politics were used to influence, manipulate, control and dominate the decision making process. This stigma taints the citizen process of today, even to the degree of dictating to the people. Additionally, spending taxpayer dollars to fund lobby groups is an unethical practice that adds to government debt and reduces taxpayer dollars that could be used to fund government services. With or without a constitutional amendment, this less than transparent commingling of taxpayer dollars is money laundering that must be stopped!

Respectfully submitted,

Terry Parker

My name is Jeff Stookey and I am speaking in support of the two resolutions being proposed.

During the first week of January, 2012, the NBC News chief Pentagon correspondent told the Bill Press Radio Show that the Pentagon budget has increased 71% since 9/11. With today's economic depression and the winding down of two land wars in Asia, the Portland City Council's call to bring our war dollars home is the right thing to do.

Corporate campaign contributions, corporate lobbying, and the revolving door between government bureaucracies and corporate lobbying firms have concentrated enormous corporate power. That power wields unprecedented influence over our government and the more than half of our current Federal discretionary spending which goes for (quote/unquote) "defense."

According to the Center for Responsive Politics website OpenSecrets.org, the defense sector has contributed a total of \$150.8 million during the last two decades--\$24 million during the 2008 campaign cycle, alone. Meanwhile, defense lobbying topped \$150 million in the same year. These contributions and lobbying expenditures pay off handsomely with **billions** of dollars in defense contracts and government subsidies.

We should also keep in mind, the relationship between recent war spending and the large oil corporations--also well subsidized.

How much more control might we the people have over directing the federal budget toward domestic priorities if "corporate persons" were banned from making campaign contributions to buy influence in the US Congress?

I must also ask, Have American cities been sold a bill of goods by defense corporations eager to militarize and arm local police forces with tons of toys and gadgets? I urge the Council to consider how much of the Federal and city budget has been spent on paramilitary equipment and supplies for our police: billy clubs, tear gas, pepper spray, and other riot gear. All of which has been brought out to confront **nonviolent** citizen protesters. I encourage you to remember FDR's dictum, "the only thing we have to fear is fear itself," and ask yourselves, Who is the real enemy here?

Let us remember the words of General and President, Dwight Eisenhower, over 50 years ago:

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

The "defense" industry uses its court-given "corporate personhood rights" to promote wars all over the globe. Peace is not profitable, nor is redirecting our resources toward "insuring domestic tranquility and promoting the general welfare." The two resolutions before us today are deeply interconnected. I urge you to adopt them both.

Thank you.

As we all know, corporate constitutional rights have been an issue since the beginning of this country, but corporate power-grabbing received a lot of pushback from the Supreme Court until the early 1970's, when Lewis Powell essentially overthrew the government. It sounds sensational to speak of conspiracies and bloodless coups but that is exactly what Powell achieved. Since then, wages have stagnated, states don't have enough money to provide services and the Citizen's United decision has made official the buying of political candidates. (indeed, we just recently heard about how Washington state is not meeting its constitutional obligation to fully fund education and two weeks ago I sat in this chamber and listened to the discussion regarding cutting bus and maintenance services here in Portland—this, while 7.7 trillion dollars of our tax monies were doled out to the likes of Morgan Stanley and Bank of America at less than 1% interest by the Federal Reserve Board of Governors). What Powell did is render our system of checks and balances impotent by infiltrating the Supreme Court and making it the mouthpiece of corporate interests. It's rather brilliant the way he used the constitution itself not only to usurp rights intended for flesh-and-blood humans, but to undermine the very checks and balances that were to prevent such usurpation by the government! In grabbing constitutional rights for themselves corporations have gone from being the tools of government policy to making that government be nothing more than their tools. In this fight between government and its legal tools, the People have been left out in the cold. And when corporate interests advocate for the "free market" to be unhindered by government, I have to say that I don't consider taking 7.7 trillion dollars of taxpayer money at ridiculously low interest rates, and in secret, to have anything at all to do with the free market. And I don't want to live in a country where companies pollute our water and air and then withhold internal documents, saying that their right to privacy allows for their classification, and I don't want to live in a country where companies like Monsanto can legitimately sue an independent farmer when the wind blows their genetically modified seed onto his land, when it should be the farmer who is compensated for the adulteration of his product. I don't want to live in a country where our politicians have to pay more attention to CEOs than to their constituency, and where our taxes end up in the pockets of the wealthy elites instead of in our schools. Every state in the union needs to rise up in rebellion against the state of affairs that has sucked all our money out of schools, social programs, and infrastructure and put it into the hands of a few CEOs, including these days the CEOs of defense-industry corporations who play dangerous war games for their individual profit. A lot of the war money we want to bring home is, ironically, already at home. Ending the idea of corporations having constitutional rights, and the idea that money equals speech is the way for us to pave the road to a different state of affairs in the future. And finally, it is important for Americans to remember that a democracy is only inhabited by revolutionaries and that it is our American birthright. If we do not engage in this revolution (which can be understood as well as a revolving, or turning) we will lose this democracy entirely—therefore, it is important that this issue be referred to the individual revolutionaries known as voters. And unlike the silly exercise that our national elections have become, casting a vote against constitutional rights for corporations would truly be a revolutionary act. So please let Portlanders reclaim our self-determinism and our true American identity with a referral. I conclude with a statement from Jeff Clement's recently published book *Corporations are not People*: "...concentrated power and aggregated wealth in corporations have always led corporations to seek 'rights'. An assertive, vigilant citizenry and leadership has always been needed to push back". Thank you for making this issue a priority.



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January 12, 2012

To: Members of the Portland City Council
From: Janice Thompson, Common Cause Oregon

Common Cause Oregon urges a “yes” vote on the resolution discussed today as agenda item #49 regarding the U.S. Supreme Court’s *Citizens United v. Federal Elections Commission* decision, campaign finance regulation, and corporate personhood.

The *Citizens United* decision focused on one aspect of the flow of money in federal candidate campaigns: independent expenditures, which are payments for electioneering in support of or against a candidate that are produced independently of the candidate.

Independent expenditures are treated differently from direct contributions due to two elements of the *Buckley v. Valeo* decision.

Buckley justified limits on direct contributions to candidates because the potential for corruption or the appearance of corruption outweighed free speech concerns.

Putting limits on direct candidate contributions, though, sets the stage for independent expenditures. However, *Buckley* struck down a limit on independent expenditures from individuals, associations, and PACs. The *Buckley* court found that due to the independent nature of this type of political spending from these groups, there is no potential for corruption. They also rejected other reasons for regulating independent expenditures such as fairness.

Though this “no potential for corruption” from independent expenditures may make sense to the courts, this reasoning is troubling to most candidates who lose control of their campaign message. Also most people are troubled from a common sense perspective about independent expenditures.

This means that even before *Citizens United* there were independent expenditures in federal campaigns, just none paid for with corporate treasury dollars.

Before *Citizens United* there was a history of regulation on corporate political spending that began with the Tillman Act of 1907. In 1947 the Taft-Hartly Act barred labor unions and corporations from making expenditures and contributions in federal elections. These limits were such established law that they weren’t part of the litigation that led to the *Buckley* decision.

In 1990, *Austin v. Michigan Chamber of Commerce* was upheld by the U.S. Supreme Court and clarified the compelling interest in regulating corporate political spending due to 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 corporation’s political ideas.”

This *Austin* rationale was the key factor in upholding McCain-Feingold regulations on use of corporate treasury dollars for electioneering. These were the regulations of concern to the non-profit group Citizens United regarding contributions for distribution of their movie about Hillary Clinton.

The *Citizens United* decision overturned *Austin* and eliminated the part of McCain-Feingold that regulated corporate independent electioneering.

After the *Citizens United* decision on January, 21, 2010, corporate entities could begin using treasury dollars for independent expenditures regarding federal candidates.

Keep in mind that corporate entities include businesses and unions. In the case of unions corporate treasury dollars means money that comes from the thousands of members of those groups. In the case of corporations, corporate treasury dollars means profits.

Since independent expenditures before *Citizens United* could be legally paid for by individuals and PACs, the presence of independent expenditures in 2010 wasn't new, but the volume increased due to the new availability of corporate money. This means, however, that overturning *Citizens United* doesn't enable regulation of all independent expenditures. For this reason Common Cause Oregon particularly appreciates that this resolution recognizes the need to consider other reasons besides a narrow focus on corruption as the basis for campaign finance regulations.

Though one effect of *Citizens United* was to equate corporations with people and groups it did so on the basis of the First Amendment. This means that addressing corporate personhood alone isn't enough. But *Citizens United* joins a long list of court decisions that inappropriately give corporations undue constitutional protections. This is why it is so important that this resolution addresses corporate personhood as well as *Citizens United* and concerns about money not being speech and regulation of independent expenditures.

Thanks to all who worked on this resolution and Common Cause Oregon urges a "yes" vote.

In response to those who may criticize your actions as being beyond the purview of the Portland City Council I'll end my testimony with two points.

First, several members of Oregon's federal delegation have already signed on to constitutional amendments addressing *Citizens United* and this resolution provides additional information to them in urging that they expand the scope of those efforts.

Second, Portland is not an island and is obviously affected by political and policy decisions made in Washington D.C. For example, Portland has been buffeted by the downturn of the economy. A major element in the economic meltdown relates to weak federal regulation of Wall Street and the real estate financial sector. It seems to be no coincidence that the finance, insurance and real estate sector gave \$2.3 billion to candidates, leadership PACs, and party committees between 1989 and 2009 as reported by the Center for Responsive Politics. More importantly, this amount eclipsed every other sector making campaign contributions in those twenty years. In the wake of *Citizens United* contributions from the financial and real estate sector are growing. This raises grave concerns about maintaining, much less strengthening, consumer protection rules and financial industry regulations. The resulting ripple effects will affect Portland's economy far into the future and make City Council action on this resolution both appropriate and very important.

36897

Parsons, Susan

From: Parsons, Susan
Sent: Monday, January 09, 2012 9:00 AM
To: Adams, Sam; Fish, Nick; Fritz, Amanda; Leonard, Randy; Saltzman, Dan
Cc: 'Rick Staggenborg'
Subject: FW: Testimony - FOR THE RECORD: Statement on January 12 Portland City Council agenda item #49 regarding resolution to abolish corporate personhood

This testimony has been entered into the record.

Sue Parsons

Assistant Council Clerk

City of Portland

503.823.4085

please note new email address:

Susan.Parsons@portlandoregon.gov

From: Rick Staggenborg [mailto:staggenborg4senate@hotmail.com]
Sent: Sunday, January 08, 2012 11:05 AM
To: Parsons, Susan
Cc: Andrew Green; Amy Amrhein; Carly Gabrielson; Suzanne Bonamici; Kaliko Castille; Joyce Segers
Subject: FOR THE RECORD: Statement on January 12 Portland City Council agenda item #49 regarding resolution to abolish corporate personhood

Dear Ms Parsons:

Please enter this communication on the official records of the Portland City Council.

I am working in Portland, Oregon and nationally through a variety of groups to abolition of corporate personhood, so have a great interest in the proposed resolution to call for a constitutional amendment to abolish corporate personhood.

To establish my credentials, these organizations include Take Back America (Board President), Alliance for Democracy (member of national council), Abolish Corporate Personhood Now (Board member) and Veterans for Peace (chair of the National work group on abolition of corporate personhood). Through these groups we are collaborating with Move to Amend and many of its partner organizations around the nation on the issue. Of these groups I represent Take Back America, Abolish Corporate Personhood Now and the VFP workgroup in making the following suggestions for revisions. It is my understanding that David Delk, chair of the Portland chapter of Move to Amend and national co-chair of AfD is in agreement with the main points, though I cannot speak for him.

I want to thank the Mayor and the council for recognizing the crucial importance of addressing this issue and the responsibility of elected representatives around the nation to take a position in the one issue that has the potential to restore government of, by and for the People to the US. The Portland resolution is of major importance because of several features that I believe are unique to resolutions passed so far. As a result, it has the potential to become a model for all future resolutions. This is why it is of critical importance to get the wording right.

My concern is with the wording of the following paragraph:

"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

1/9/2012

finance reform including S. J. Res. 10 introduced by Senator Tom Udall of New Mexico and Senator Jeff Merkley of Oregon and H.J. Res. 72 introduced by Representative Kurt Schrader of Oregon and co-sponsored by Representatives Blumenauer and DeFazio of Oregon; and, respectfully urges Oregon's Congressional delegation to prioritize congressional proposal of an amendment to the United States Constitution addressing the threats to representative government identified in this resolution so that the states may ratify it; and,"

I have been in contact with Senator Merkley's office and believe that he would support a stronger amendment at this time. We have convinced key staffers that the Udall and Schrader amendments would not only fail to regulate corporate money in politics but defeat our cause by enshrining corporate personhood in the constitution. In giving Congress the power to regulate corporate campaign contributions, the obvious implication is that they are legal. Only if corporate personhood is abolished and the ability of corporations and other special interest groups to contribute to campaigns explicitly banned will the expressed purpose of this resolution be met.

Therefore, I am suggesting that the council strike all references to support of the Udall and Schrader amendments and reaffirm in the concluding paragraph that the council on behalf of the City of Portland calls upon Oregon's congressional delegation to introduce and support the passage of an amendment that will abolish corporate personhood, declare that money is not free speech and explicitly ban direct or indirect political contributions from corporations, unions and 501.c4s.

Thank you for considering these amendments to the resolution.

Rick Staggenborg, MD