

Establish as a position of the Winston-Salem City Council that corporations should not receive the same constitutional rights as natural persons do, and that because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard.

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 are not mentioned in the Constitution and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of "We the People;" and,

WHEREAS, corporations can and do make important contributions to our society using advantages that government has wisely granted them, but the City Council does not consider them natural persons; 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 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 presents a serious threat to self-government by rolling 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, 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, 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; and,

WHEREAS, corporations have used the "rights" bestowed upon them by the courts to overturn democratically enacted laws that were passed at municipal, state and federal levels to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against

corporate harms to the environment, to health, to workers, to independent businesses, to local and regional economies; and,

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified limits on contributions to candidates, but it wrongly rejected other fundamental interests that the City Council finds compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard,” and,

WHEREAS, federal courts in *Buckley* and in *SpeechNow.org v FEC* (2010) overturned limits on independent expenditures because the corruption or perception of corruption rationale was only applicable to direct contributions to candidates; and,

WHEREAS, The United States Supreme Court in *1st National Bank of Boston v Bellotti* (1978) and *Citizens Against Rent Control v. City of Berkeley* (1986) rejected limits on contributions to ballot measure campaigns because they pose no threat of candidate corruption; 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, 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, City Councilors have sworn to uphold the United States Constitution in our Oath of Office; and,

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government; and,

NOW, THEREFORE, BE IT RESOLVED that it is the position of the Winston-Salem City Council that corporations should not receive the same constitutional rights as natural persons do and that because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard.

BE IT FURTHER RESOLVED that the City of Winston-Salem 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 ending the false doctrine of corporate constitutional rights 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,

BE IT FURTHER RESOLVED that should Congress fail to propose such an amendment in six months time, the City Council will explore options for presenting an advisory ballot measure to

the voters of Winston-Salem giving them the opportunity to expressly instruct Winston-Salem's congressional delegation to prioritize passage of such an amendment; and,

BE IT FURTHER RESOLVED that the Council hereby directs the City Attorney to research the options for placing such an advisory question on the Winston-Salem city ballot in the ways that Madison, Wisconsin; Boulder, Colorado; and Missoula, Montana have recently done; and,

BE IT FURTHER RESOLVED that the City of Winston-Salem calls on, 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.